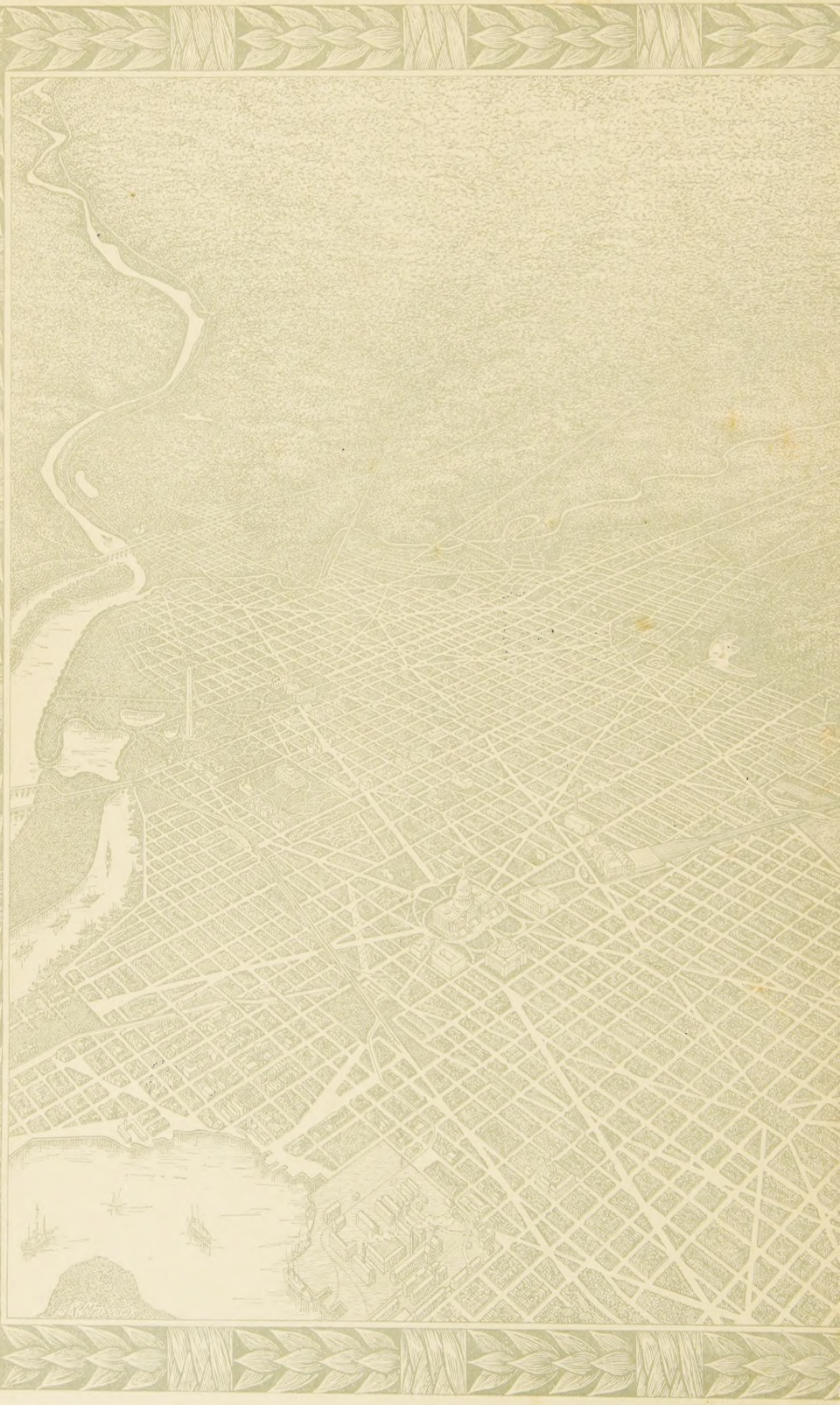
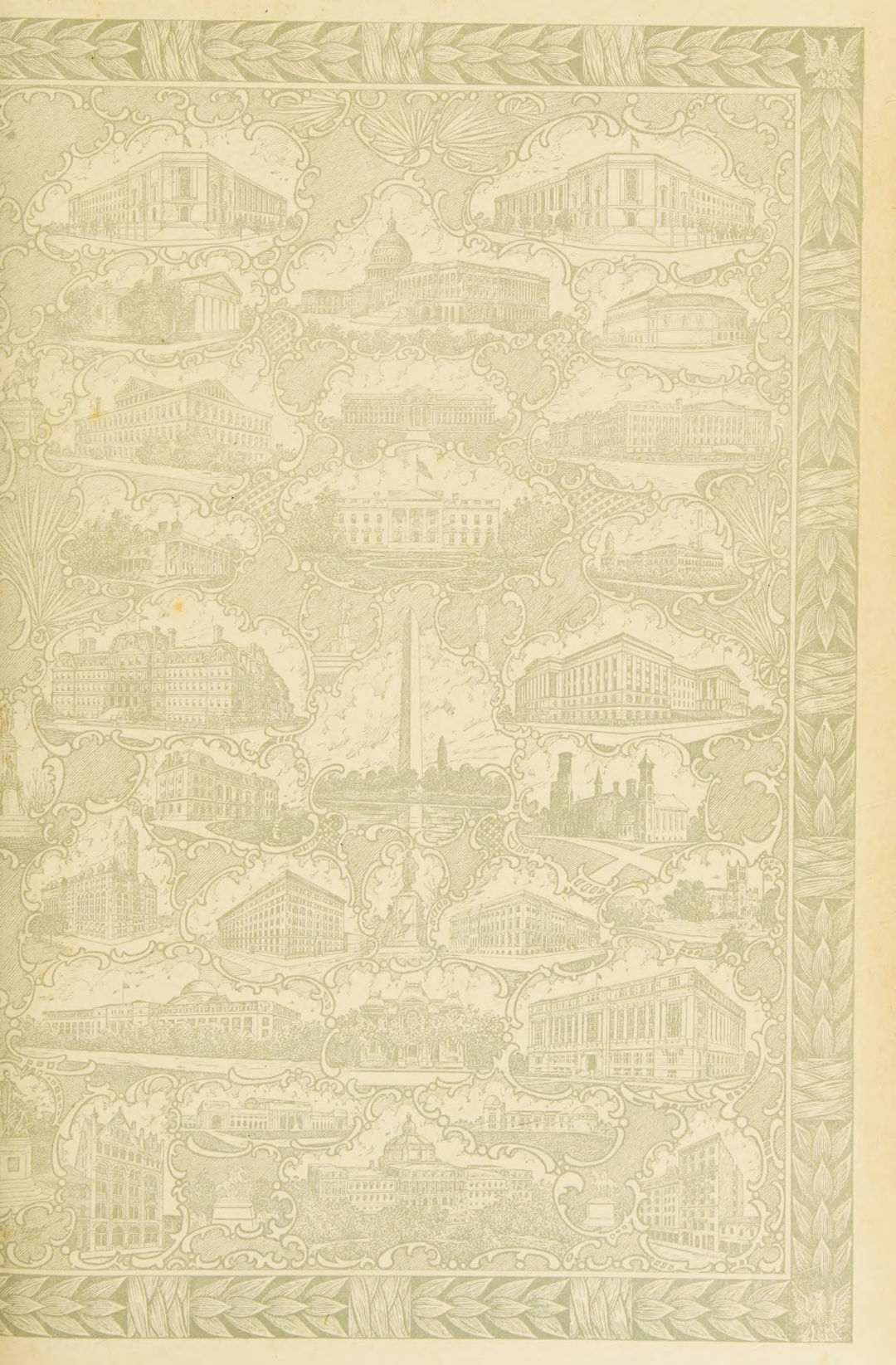
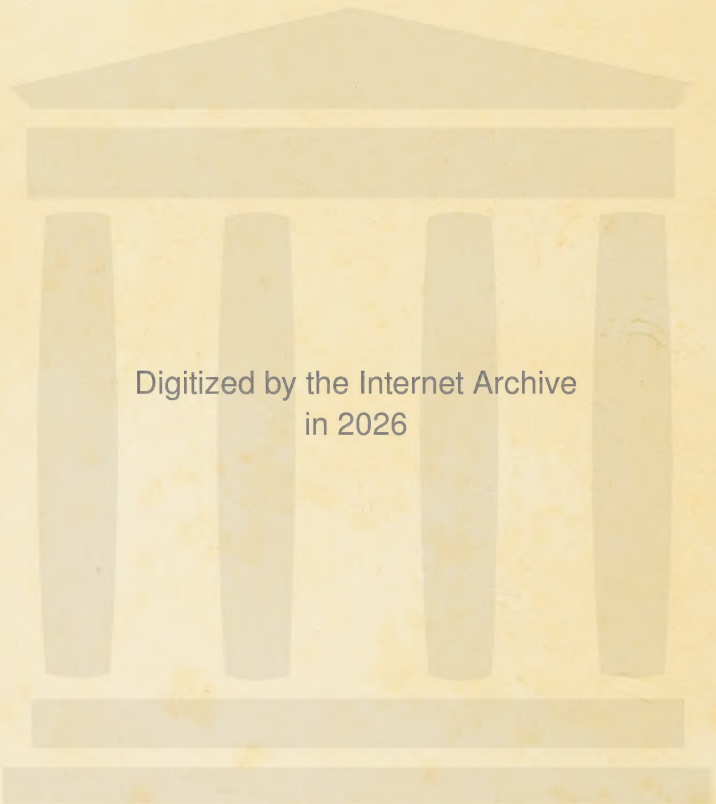
E PLURIBUS UNUM
THE PRESIDENTS






Digitized by the Internet Archive
in 2026

https://archive.org/details/compilationofmes0007jame_g4z2

COPYRIGHT 1909 BY BUREAU OF
NATIONAL LITERATURE AND ART

Pension Office

THE PENSION OFFICE is an immense red brick structure 400 x 200 feet. Here is conducted the vast business of dispensing about $140,000,000 a year to nearly a million pensioners. The chief architectural adornment of the building is a broad frieze of military figures which passes all the way around the building, typifying the resistless onrush of the national armies.

A COMPILATION

OF THE

MESSAGES AND PAPERS

OF THE

PRESIDENTS

Prepared Under the Direction of the Joint Committee
on Printing, of the House and Senate,
Pursuant to an Act of the Fifty-Second Congress
of the United States

(With Additions and Encyclopedic Index
by Private Enterprise)

VOLUME VII

PUBLISHED BY

BUREAU OF NATIONAL LITERATURE

Copyright, 1897,
BY
JAMES D. RICHARDSON

ILLUSTRATIONS IN VOLUME SEVEN

	PAGE
Pension Office . . . . . *Frontispiece*	
Mormon Temple and Tabernacle—Polygamous Family . . .	5135
Indian Warfare: Ambushing Emigrants	5199
Indian Warfare: Exterminating Detachments	5231
Débris after the Johnstown Flood	5307
Indian Warfare: Unsuccessful Peace Envoys	5375
Benjamin Harrison (portrait)	5438
(*sketch of his Indiana home on tissue*)	
President Harrison's Proclamation of Washington's Statehood .	5485
Signature of President Harrison to above	5486
Indian Warfare: The Pitched Battle	5517
House of Representatives Office Building	5549
Cuban Guerrillas—Spanish Soldiery	5613
The *Maine* Entering Havana Harbor, January 25, 1898 . . .	5645
The *Maine* a Few Days After the Explosion	5709
The Wreck of the *Maine,* June, 1911	5773
Landing U. S. Troops at Siboney, Cuba	5835
Senate Office Building	5866
Cuban Guerrillas Joining U. S. Troops at Siboney	5874
Going into Action at San Juan	5930

remained a balance on hand on June 30, 1886, of $1,660,023.30, of which $1,337,768.21 are permanent funds for fulfillment of treaties and other like purposes, and the remainder, $322,255.09, is subject to be carried to the surplus fund as required by law.

The estimates presented for appropriations for the ensuing fiscal year amount to $5,608,873.64, or $442,386.20 less than those laid before the Congress last year.

The present system of agencies, while absolutely necessary and well adapted for the management of our Indian affairs and for the ends in view when it was adopted, is in the present stage of Indian management inadequate, standing alone, for the accomplishment of an object which has become pressing in its importance—the more rapid transition from tribal organizations to citizenship of such portions of the Indians as are capable of civilized life.

When the existing system was adopted, the Indian race was outside of the limits of organized States and Territories and beyond the immediate reach and operation of civilization, and all efforts were mainly directed to the maintenance of friendly relations and the preservation of peace and quiet on the frontier. All this is now changed. There is no such thing as the Indian frontier. Civilization, with the busy hum of industry and the influences of Christianity, surrounds these people at every point. None of the tribes are outside of the bounds of organized government and society, except that the Territorial system has not been extended over that portion of the country known as the Indian Territory. As a race the Indians are no longer hostile, but may be considered as submissive to the control of the Government. Few of them only are troublesome. Except the fragments of several bands, all are now gathered upon reservations.

It is no longer possible for them to subsist by the chase and the spontaneous productions of the earth.

With an abundance of land, if furnished with the means and implements for profitable husbandry, their life of entire dependence upon Government rations from day to day is no longer defensible. Their inclination, long fostered by a defective system of control, is to cling to the habits and customs of their ancestors and struggle with persistence against the change of life which their altered circumstances press upon them. But barbarism and civilization can not live together. It is impossible that such incongruous conditions should coexist on the same soil.

They are a portion of our people, are under the authority of our Government, and have a peculiar claim upon and are entitled to the fostering care and protection of the nation. The Government can not relieve itself of this responsibility until they are so far trained and civilized as to be able wholly to manage and care for themselves. The paths in which they should walk must be clearly marked out for them, and they

must be led or guided until they are familiar with the way and competent to assume the duties and responsibilities of our citizenship.

Progress in this great work will continue only at the present slow pace and at great expense unless the system and methods of management are improved to meet the changed conditions and urgent demands of the service.

The agents, having general charge and supervision in many cases of more than 5,000 Indians, scattered over large reservations, and burdened with the details of accountability for funds and supplies, have time to look after the industrial training and improvement of a few Indians only. The many are neglected and remain idle and dependent, conditions not favorable for progress and civilization.

The compensation allowed these agents and the conditions of the service are not calculated to secure for the work men who are fitted by ability and skill to properly plan and intelligently direct the methods best adapted to produce the most speedy results and permanent benefits.

Hence the necessity for a supplemental agency or system directed to the end of promoting the general and more rapid transition of the tribes from habits and customs of barbarism to the ways of civilization.

With an anxious desire to devise some plan of operation by which to secure the welfare of the Indians and to relieve the Treasury as far as possible from the support of an idle and dependent population, I recommended in my previous annual message the passage of a law authorizing the appointment of a commission as an instrumentality auxiliary to those already established for the care of the Indians. It was designed that this commission should be composed of six intelligent and capable persons—three to be detailed from the Army—having practical ideas upon the subject of the treatment of Indians and interested in their welfare, and that it should be charged, under the direction of the Secretary of the Interior, with the management of such matters of detail as can not with the present organization be properly and successfully conducted, and which present different phases, as the Indians themselves differ in their progress, needs, disposition, and capacity for improvement or immediate self-support.

By the aid of such a commission much unwise and useless expenditure of money, waste of materials, and unavailing efforts might be avoided; and it is hoped that this or some measure which the wisdom of Congress may better devise to supply the deficiency of the present system may receive your consideration and the appropriate legislation be provided.

The time is ripe for the work of such an agency.

There is less opposition to the education and training of the Indian youth, as shown by the increased attendance upon the schools, and there is a yielding tendency for the individual holding of lands. Development and advancement in these directions are essential, and should have every encouragement. As the rising generation are taught the language of

civilization and trained in habits of industry they should assume the duties, privileges, and responsibilities of citizenship.

No obstacle should hinder the location and settlement of any Indian willing to take land in severalty; on the contrary, the inclination to do so should be stimulated at all times when proper and expedient. But there is no authority of law for making allotments on some of the reservations, and on others the allotments provided for are so small that the Indians, though ready and desiring to settle down, are not willing to accept such small areas when their reservations contain ample lands to afford them homesteads of sufficient size to meet their present and future needs.

These inequalities of existing special laws and treaties should be corrected and some general legislation on the subject should be provided, so that the more progressive members of the different tribes may be settled upon homesteads, and by their example lead others to follow, breaking away from tribal customs and substituting therefor the love of home, the interest of the family, and the rule of the state.

The Indian character and nature are such that they are not easily led while brooding over unadjusted wrongs. This is especially so regarding their lands. Matters arising from the construction and operation of railroads across some of the reservations, and claims of title and right of occupancy set up by white persons to some of the best land within other reservations require legislation for their final adjustment.

The settlement of these matters will remove many embarrassments to progress in the work of leading the Indians to the adoption of our institutions and bringing them under the operation, the influence, and the protection of the universal laws of our country.

The recommendations of the Secretary of the Interior and the Commissioner of the General Land Office looking to the better protection of public lands and of the public surveys, the preservation of national forests, the adjudication of grants to States and corporations and of private land claims, and the increased efficiency of the public-land service are commended to the attention of Congress. To secure the widest distribution of public lands in limited quantities among settlers for residence and cultivation, and thus make the greatest number of individual homes, was the primary object of the public-land legislation in the early days of the Republic. This system was a simple one. It commenced with an admirable scheme of public surveys, by which the humblest citizen could identify the tract upon which he wished to establish his home. The price of lands was placed within the reach of all the enterprising, industrious, and honest pioneer citizens of the country. It was soon, however, found that the object of the laws was perverted, under the system of cash sales, from a distribution of land among the people to an accumulation of land capital by wealthy and speculative persons. To check this tendency a preference right of purchase was given to settlers on the land, a plan which culminated in the general preemption

act of 1841. The foundation of this system was actual residence and cultivation. Twenty years later the homestead law was devised to more surely place actual homes in the possession of actual cultivators of the soil. The land was given without price, the sole conditions being residence, improvement, and cultivation. Other laws have followed, each designed to encourage the acquirement and use of land in limited individual quantities. But in later years these laws, through vicious administrative methods and under changed conditions of communication and transportation, have been so evaded and violated that their beneficent purpose is threatened with entire defeat. The methods of such evasions and violations are set forth in detail in the reports of the Secretary of the Interior and Commissioner of the General Land Office. The rapid appropriation of our public lands without *bona fide* settlements or cultivation, and not only without intention of residence, but for the purpose of their aggregation in large holdings, in many cases in the hands of foreigners, invites the serious and immediate attention of the Congress.

The energies of the Land Department have been devoted during the present Administration to remedy defects and correct abuses in the public-land service. The results of these efforts are so largely in the nature of reforms in the processes and methods of our land system as to prevent adequate estimate; but it appears by a compilation from the reports of the Commissioner of the General Land Office that the immediate effect in leading cases which have come to a final termination has been the restoration to the mass of public lands of 2,750,000 acres; that 2,370,000 acres are embraced in investigations now pending before the Department or the courts, and that the action of Congress has been asked to effect the restoration of 2,790,000 acres additional; besides which 4,000,000 acres have been withheld from reservation and the rights of entry thereon maintained.

I recommend the repeal of the preemption and timber-culture acts, and that the homestead laws be so amended as to better secure compliance with their requirements of residence, improvement, and cultivation for the period of five years from date of entry, without commutation or provision for speculative relinquishment. I also recommend the repeal of the desert-land laws unless it shall be the pleasure of the Congress to so amend these laws as to render them less liable to abuses. As the chief motive for an evasion of the laws and the principal cause of their result in land accumulation instead of land distribution is the facility with which transfers are made of the right intended to be secured to settlers, it may be deemed advisable to provide by legislation some guards and checks upon the alienation of homestead rights and lands covered thereby until patents issue.

Last year an Executive proclamation* was issued directing the removal of fences which inclosed the public domain. Many of these have

*See pp. 4893-4894.

been removed in obedience to such order, but much of the public land still remains within the lines of these unlawful fences. The ingenious methods resorted to in order to continue these trespasses and the hardihood of the pretenses by which in some cases such inclosures are justified are fully detailed in the report of the Secretary of the Interior.

The removal of the fences still remaining which inclose public lands will be enforced with all the authority and means with which the executive branch of the Government is or shall be invested by the Congress for that purpose.

The report of the Commissioner of Pensions contains a detailed and most satisfactory exhibit of the operations of the Pension Bureau during the last fiscal year. The amount of work done was the largest in any year since the organization of the Bureau, and it has been done at less cost than during the previous year in every division.

On the 30th day of June, 1886, there were 365,783 pensioners on the rolls of the Bureau.

Since 1861 there have been 1,018,735 applications for pensions filed, of which 78,834 were based upon service in the War of 1812. There were 621,754 of these applications allowed, including 60,178 to the soldiers of 1812 and their widows.

The total amount paid for pensions since 1861 is $808,624,811.57.

The number of new pensions allowed during the year ended June 30, 1886, is 40,857, a larger number than has been allowed in any year save one since 1861. The names of 2,229 pensioners which had been previously dropped from the rolls were restored during the year, and after deducting those dropped within the same time for various causes a net increase remains for the year of 20,658 names.

From January 1, 1861, to December 1, 1885, 1,967 private pension acts had been passed. Since the last-mentioned date, and during the last session of the Congress, 644 such acts became laws.

It seems to me that no one can examine our pension establishment and its operations without being convinced that through its instrumentality justice can be very nearly done to all who are entitled under present laws to the pension bounty of the Government.

But it is undeniable that cases exist, well entitled to relief, in which the Pension Bureau is powerless to aid. The really worthy cases of this class are such as only lack by misfortune the kind or quantity of proof which the law and regulations of the Bureau require, or which, though their merit is apparent, for some other reason can not be justly dealt with through general laws. These conditions fully justify application to the Congress and special enactments. But resort to the Congress for a special pension act to overrule the deliberate and careful determination of the Pension Bureau on the merits or to secure favorable action when it could not be expected under the most liberal execution of general laws, it must be admitted opens the door to the allowance of questionable

claims and presents to the legislative and executive branches of the Government applications concededly not within the law and plainly devoid of merit, but so surrounded by sentiment and patriotic feeling that they are hard to resist. I suppose it will not be denied that many claims for pension are made without merit and that many have been allowed upon fraudulent representations. This has been declared from the Pension Bureau, not only in this but in prior Administrations.

The usefulness and the justice of any system for the distribution of pensions depend upon the equality and uniformity of its operation.

It will be seen from the report of the Commissioner that there are now paid by the Government 131 different rates of pension.

He estimates from the best information he can obtain that 9,000 of those who have served in the Army and Navy of the United States are now supported, in whole or in part, from public funds or by organized charities, exclusive of those in soldiers' homes under the direction and control of the Government. Only 13 per cent of these are pensioners, while of the entire number of men furnished for the late war something like 20 per cent, including their widows and relatives, have been or now are in receipt of pensions.

The American people, with a patriotic and grateful regard for our ex-soldiers, too broad and too sacred to be monopolized by any special advocates, are not only willing but anxious that equal and exact justice should be done to all honest claimants for pensions. In their sight the friendless and destitute soldier, dependent on public charity, if otherwise entitled, has precisely the same right to share in the provision made for those who fought their country's battles as those better able, through friends and influence, to push their claims. Every pension that is granted under our present plan upon any other grounds than actual service and injury or disease incurred in such service, and every instance of the many in which pensions are increased on other grounds than the merits of the claim, work an injustice to the brave and crippled, but poor and friendless, soldier, who is entirely neglected or who must be content with the smallest sum allowed under general laws.

There are far too many neighborhoods in which are found glaring cases of inequality of treatment in the matter of pensions, and they are largely due to a yielding in the Pension Bureau to importunity on the part of those, other than the pensioner, who are especially interested, or they arise from special acts passed for the benefit of individuals.

The men who fought side by side should stand side by side when they participate in a grateful nation's kind remembrance.

Every consideration of fairness and justice to our ex-soldiers and the protection of the patriotic instinct of our citizens from perversion and violation point to the adoption of a pension system broad and comprehensive enough to cover every contingency, and which shall make unnecessary an objectionable volume of special legislation.

As long as we adhere to the principle of granting pensions for service, and disability as the result of the service, the allowance of pensions should be restricted to cases presenting these features.

Every patriotic heart responds to a tender consideration for those who, having served their country long and well, are reduced to destitution and dependence, not as an incident of their service, but with advancing age or through sickness or misfortune. We are all tempted by the contemplation of such a condition to supply relief, and are often impatient of the limitations of public duty. Yielding to no one in the desire to indulge this feeling of consideration, I can not rid myself of the conviction that if these ex-soldiers are to be relieved they and their cause are entitled to the benefit of an enactment under which relief may be claimed as a right, and that such relief should be granted under the sanction of law, not in evasion of it; nor should such worthy objects of care, all equally entitled, be remitted to the unequal operation of sympathy or the tender mercies of social and political influence, with their unjust discriminations.

The discharged soldiers and sailors of the country are our fellow-citizens, and interested with us in the passage and faithful execution of wholesome laws. They can not be swerved from their duty of citizenship by artful appeals to their spirit of brotherhood born of common peril and suffering, nor will they exact as a test of devotion to their welfare a willingness to neglect public duty in their behalf.

On the 4th of March, 1885, the current business of the Patent Office was, on an average, five and a half months in arrears, and in several divisions more than twelve months behind. At the close of the last fiscal year such current work was but three months in arrears, and it is asserted and believed that in the next few months the delay in obtaining an examination of an application for a patent will be but nominal.

The number of applications for patents during the last fiscal year, including reissues, designs, trade-marks, and labels, equals 40,678, which is considerably in excess of the number received during any preceding year.

The receipts of the Patent Office during the year aggregate $1,205,167.80, enabling the office to turn into the Treasury a surplus revenue, over and above all expenditures, of about $163,710.30.

The number of patents granted during the last fiscal year, including reissues, trade-marks, designs, and labels, was 25,619, a number also quite largely in excess of that of any preceding year.

The report of the Commissioner shows the office to be in a prosperous condition and constantly increasing in its business. No increase of force is asked for.

The amount estimated for the fiscal year ending June 30, 1886, was $890,760. The amount estimated for the year ending June 30, 1887, was $853,960. The amount estimated for the fiscal year ending June 30, 1888, is $778,770.

The Secretary of the Interior suggests a change in the plan for the payment of the indebtedness of the Pacific subsidized roads to the Government. His suggestion has the unanimous indorsement of the persons selected by the Government to act as directors of these roads and protect the interests of the United States in the board of direction. In considering the plan proposed the sole matters which should be taken into account, in my opinion, are the situation of the Government as a creditor and the surest way to secure the payment of the principal and interest of its debt.

By a recent decision of the Supreme Court of the United States it has been adjudged that the laws of the several States are inoperative to regulate rates of transportation upon railroads if such regulation interferes with the rate of carriage from one State into another. This important field of control and regulation having been thus left entirely unoccupied, the expediency of Federal action upon the subject is worthy of consideration.

The relations of labor to capital and of laboring men to their employers are of the utmost concern to every patriotic citizen. When these are strained and distorted, unjustifiable claims are apt to be insisted upon by both interests, and in the controversy which results the welfare of all and the prosperity of the country are jeopardized. Any intervention of the General Government, within the limits of its constitutional authority, to avert such a condition should be willingly accorded.

In a special message* transmitted to the Congress at its last session I suggested the enlargement of our present Labor Bureau and adding to its present functions the power of arbitration in cases where differences arise between employer and employed. When these differences reach such a stage as to result in the interruption of commerce between the States, the application of this remedy by the General Government might be regarded as entirely within its constitutional powers. And I think we might reasonably hope that such arbitrators, if carefully selected and if entitled to the confidence of the parties to be affected, would be voluntarily called to the settlement of controversies of less extent and not necessarily within the domain of Federal regulation.

I am of the opinion that this suggestion is worthy the attention of the Congress.

But after all has been done by the passage of laws, either Federal or State, to relieve a situation full of solicitude, much more remains to be accomplished by the reinstatement and cultivation of a true American sentiment which recognizes the equality of American citizenship. This, in the light of our traditions and in loyalty to the spirit of our institutions, would teach that a hearty cooperation on the part of all interests is the surest path to national greatness and the happiness of all our people; that capital should, in recognition of the brotherhood of our citizenship and in a spirit of American fairness, generously accord to labor its just compensation and consideration, and that contented labor is capital's

* See pp. 4974–4982.

best protection and faithful ally. It would teach, too, that the diverse situations of our people are inseparable from our civilization; that every citizen should in his sphere be a contributor to the general good; that capital does not necessarily tend to the oppression of labor, and that violent disturbances and disorders alienate from their promoters true American sympathy and kindly feeling.

The Department of Agriculture, representing the oldest and largest of our national industries, is subserving well the purposes of its organization. By the introduction of new subjects of farming enterprise and by opening new sources of agricultural wealth and the dissemination of early information concerning production and prices it has contributed largely to the country's prosperity. Through this agency advanced thought and investigation touching the subjects it has in charge should, among other things, be practically applied to the home production at a low cost of articles of food which are now imported from abroad. Such an innovation will necessarily, of course, in the beginning be within the domain of intelligent experiment, and the subject in every stage should receive all possible encouragement from the Government.

The interests of millions of our citizens engaged in agriculture are involved in an enlargement and improvement of the results of their labor, and a zealous regard for their welfare should be a willing tribute to those whose productive returns are a main source of our progress and power.

The existence of pleuro-pneumonia among the cattle of various States has led to burdensome and in some cases disastrous restrictions in an important branch of our commerce, threatening to affect the quantity and quality of our food supply. This is a matter of such importance and of such far-reaching consequences that I hope it will engage the serious attention of the Congress, to the end that such a remedy may be applied as the limits of a constitutional delegation of power to the General Government will permit.

I commend to the consideration of the Congress the report of the Commissioner and his suggestions concerning the interest intrusted to his care.

The continued operation of the law relating to our civil service has added the most convincing proofs of its necessity and usefulness. It is a fact worthy of note that every public officer who has a just idea of his duty to the people testifies to the value of this reform. Its staunchest friends are found among those who understand it best, and its warmest supporters are those who are restrained and protected by its requirements.

The meaning of such restraint and protection is not appreciated by those who want places under the Government regardless of merit and efficiency, nor by those who insist that the selection of such places should rest upon a proper credential showing active partisan work. They mean to public officers, if not their lives, the only opportunity afforded them to attend to public business, and they mean to the good people of the country the better performance of the work of their Government.

It is exceedingly strange that the scope and nature of this reform are so little understood and that so many things not included within its plan are called by its name. When cavil yields more fully to examination, the system will have large additions to the number of its friends.

Our civil-service reform may be imperfect in some of its details; it may be misunderstood and opposed; it may not always be faithfully applied; its designs may sometimes miscarry through mistake or willful intent; it may sometimes tremble under the assaults of its enemies or languish under the misguided zeal of impracticable friends; but if the people of this country ever submit to the banishment of its underlying principle from the operation of their Government they will abandon the surest guaranty of the safety and success of American institutions.

I invoke for this reform the cheerful and ungrudging support of the Congress. I renew my recommendation made last year that the salaries of the Commissioners be made equal to other officers of the Government having like duties and responsibilities, and I hope that such reasonable appropriations may be made as will enable them to increase the usefulness of the cause they have in charge.

I desire to call the attention of the Congress to a plain duty which the Government owes to the depositors in the Freedman's Savings and Trust Company.

This company was chartered by the Congress for the benefit of the most illiterate and humble of our people, and with the intention of encouraging in them industry and thrift. Most of its branches were presided over by officers holding the commissions and clothed in the uniform of the United States. These and other circumstances reasonably, I think, led these simple people to suppose that the invitation to deposit their hard-earned savings in this institution implied an undertaking on the part of their Government that their money should be safely kept for them.

When this company failed, it was liable in the sum of $2,939,925.22 to 61,131 depositors. Dividends amounting in the aggregate to 62 per cent have been declared, and the sum called for and paid of such dividends seems to be $1,648,181.72. This sum deducted from the entire amount of deposits leaves $1,291,744.50 still unpaid. Past experience has shown that quite a large part of this sum will not be called for. There are assets still on hand amounting to the estimated sum of $16,000.

I think the remaining 38 per cent of such of these deposits as have claimants should be paid by the Government, upon principles of equity and fairness.

The report of the commissioner, soon to be laid before Congress, will give more satisfactory details on this subject.

The control of the affairs of the District of Columbia having been placed in the hands of purely executive officers, while the Congress still retains all legislative authority relating to its government, it becomes

my duty to make known the most pressing needs of the District and recommend their consideration.

The laws of the District appear to be in an uncertain and unsatisfactory condition, and their codification or revision is much needed.

During the past year one of the bridges leading from the District to the State of Virginia became unfit for use, and travel upon it was forbidden. This leads me to suggest that the improvement of all the bridges crossing the Potomac and its branches from the city of Washington is worthy the attention of Congress.

The Commissioners of the District represent that the laws regulating the sale of liquor and granting licenses therefor should be at once amended, and that legislation is needed to consolidate, define, and enlarge the scope and powers of charitable and penal institutions within the District.

I suggest that the Commissioners be clothed with the power to make, within fixed limitations, police regulations. I believe this power granted and carefully guarded would tend to subserve the good order of the municipality.

It seems that trouble still exists growing out of the occupation of the streets and avenues by certain railroads having their termini in the city. It is very important that such laws should be enacted upon this subject as will secure to the railroads all the facilities they require for the transaction of their business and at the same time protect citizens from injury to their persons or property.

The Commissioners again complain that the accommodations afforded them for the necessary offices for District business and for the safe-keeping of valuable books and papers are entirely insufficient. I recommend that this condition of affairs be remedied by the Congress, and that suitable quarters be furnished for the needs of the District government.

In conclusion I earnestly invoke such wise action on the part of the people's legislators as will subserve the public good and demonstrate during the remaining days of the Congress as at present organized its ability and inclination to so meet the people's needs that it shall be gratefully remembered by an expectant constituency.

GROVER CLEVELAND.

SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 8, 1886.*

To the Senate and House of Representatives of the United States:

I transmit herewith a letter from the Secretary of State, which is accompanied by the correspondence in relation to the rights of American fishermen in the British North American waters, and commend to your favorable consideration the suggestion that a commission be authorized

by law to take perpetuating proofs of the losses sustained during the past year by American fishermen owing to their unfriendly and unwarranted treatment by the local authorities of the maritime provinces of the Dominion of Canada.

I may have occasion hereafter to make further recommendations during the present session for such remedial legislation as may become necessary for the protection of the rights of our citizens engaged in the open-sea fisheries in the North Atlantic waters.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 13, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 8th instant from the Secretary of the Interior, submitting, with accompanying papers, an estimate of appropriation in the sum of $22,000, prepared in the Office of Indian Affairs, to provide for the payment to the Eel River band of Miami Indians of a principal sum in lieu of all annuities now received by them under existing treaty stipulations.

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 13, 1886.

To the Senate of the United States:

I transmit herewith, with a view to their ratification, an additional article, signed June 23, 1884, to the treaty of friendship, commerce, and navigation of July 27, 1853, between the United States and the Argentine Confederation; also an additional clause to the said additional article, signed June 25, 1885.

The report of the Secretary of State of even date and the papers inclosed therewith set forth the reasons which have, in my opinion, rendered it advisable to again transmit for ratification the additional article above mentioned, which was withdrawn from the Senate at my request on April 2, 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 15, 1886.*

To the Senate and House of Representatives:

I transmit herewith, for your information, a report from the Secretary of State, inclosing the correspondence which has passed between the Department of State and the Governments of Switzerland and France on the subject of international copyright since the date of my message of July 9, 1886, on this question.

GROVER CLEVELAND

EXECUTIVE MANSION, *December 20, 1886.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, in relation to the invitation from Her Britannic Majesty to this Government to participate in an international exhibition which is to be held at Adelaide, South Australia, in 1887.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 21, 1886.*

To the Senate of the United States:

I nominate James C. Matthews, of New York, to be recorder of deeds in the District of Columbia, in the place of Frederick Douglass, resigned.

This nomination was submitted to the Senate at its last session, upon the retirement of the previous incumbent, who for a number of years had held the office to which it refers. In the last days of the session the Senate declined to confirm the nomination.

Opposition to the appointment of Mr. Matthews to the office for which he was named was developed among the citizens of the District of Columbia, ostensibly upon the ground that the nominee was not a resident of the District; and it is supposed that such opposition, to some extent at least, influenced the determination of the question of his confirmation.

Mr. Matthews has now been in occupancy of the office to which he was nominated for more than four months, and he has in the performance of the duties thereof won the approval of all those having business to transact with such office, and has rendered important service in rescuing the records of the District from loss and illegibility.

I am informed that his management of this office has removed much of the opposition to his appointment which heretofore existed.

I have ventured, therefore, in view of the demonstrated fitness of this nominee, and with the understanding that the objections heretofore urged against his selection have to a great extent subsided, and confessing a desire to cooperate in tendering to our colored fellow-citizens just recognition and the utmost good faith, to again submit this nomination to the Senate for confirmation, at the same time disclaiming any intention to question its previous action in the premises.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 5, 1887.*

To the Senate and House of Representatives:

Referring to my message of the 12th of January last,* transmitting the final report of the commissioners appointed under the act of July 7, 1884, to visit the States of Central and South America, I have now to submit

*See p. 4955.

a special report by Commissioner Thomas C. Reynolds on the condition and commerce of Nicaragua, Honduras, and Salvador.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 5, 1887.*

To the House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing statement of customs duties levied by foreign nations upon the produce and manufactures of the United States.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 10, 1887.*

To the Senate and House of Representatives:

I transmit herewith a communication of 22d ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draft of proposed legislation, prepared in the Office of Indian Affairs, providing for the per capita payment to the Delaware Indians resident in the Cherokee Nation, in Indian Territory, of the amount of their trust fund, principal and interest, held by the Government of the United States by virtue of the several treaties with the said Delaware Indians.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND

EXECUTIVE MANSION, *January 11, 1887.*

To the Senate and House of Representatives of the United States:

I transmit herewith a report from the Secretary of State, in relation to an invitation which has been extended to this Government to appoint a delegate or delegates to the Fourth International Prison Congress, to meet at St. Petersburg in the year 1890, and commend its suggestions to the favorable attention of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 13, 1887.

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a declaration of the late international conference at Paris, explanatory of the convention of March 14, 1884, for the protection of submarine cables, made between the United States of America and Germany, Argentine Confederation, Austria-Hungary, Belgium, Brazil, Costa Rica, Denmark, Dominican Republic, Spain, United States of Colombia, France, Great Britain, Guatemala, Greece, Italy, Turkey, Netherlands, Persia,

Portugal, Roumania, Russia, Salvador, Servia, Sweden and Norway, and Uruguay.

The declaration has been generally accepted by the signatory powers, and Mr. McLane, the representative of the United States at the conference, has been instructed to sign it, subject to the approval of the Senate.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 17, 1887.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 11th instant from the Secretary of the Interior, submitting, with accompanying papers, a copy of an agreement duly made under the provisions of the act of May 15, 1886 (24 U. S. Statutes at Large, p. 44), with the Indians residing upon the Fort Berthold Reservation, in Dakota, for the cession of a portion of their reservation in said Territory, and for other purposes.

The agreement, together with the recommendations of the Department, is presented for the action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 18, 1887.

To the Senate of the United States:

Referring to the message of the President of the United States dated February 2, 1885,* I transmit herewith, for your consideration, a report from the Secretary of State, inclosing a translation of the convention for the protection of industrial property, of the *protocole de clôture* of said convention, and of a protocol proposed by the conference of 1886 for ratification by the Governments which have adhered to the convention.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 18, 1887.*

To the Senate and House of Representatives:

As a matter of national interest, and one solely within the discretion and control of Congress, I transmit the accompanying memorial of the executive committee of the subconstitutional centennial commission, proposing to celebrate on the 17th of September, in the city of Philadelphia, as the day upon which and the place where the convention that framed the Federal Constitution concluded their labors and submitted the results for ratification to the thirteen States then composing the United States.

The epoch was one of the deepest interest and the events well worthy of commemoration.

*See p. 4857.

I am aware that as each State acted independently in giving its adhesion to the new Constitution the dates and anniversaries of their several ratifications are not coincident. Some action looking to a national expression in relation to the celebration of the close of the first century of popular government under a written constitution has already been suggested, and whilst stating the great interest I share in the renewed examination by the American people of the historical foundations of their Government, I do not feel warranted in discriminating in favor or against the propositions to select one day or place in preference to all others, and therefore content myself with conveying to Congress these expressions of popular feeling and interest upon the subject, hoping that in a spirit of patriotic cooperation, rather than of local competition, fitting measures may be enacted by Congress which will give the amplest opportunity all over these United States for the manifestation of the affection and confidence of a free and mighty nation in the institutions of a Government of which they are the fortunate inheritors and under which unexampled prosperity has been enjoyed by all classes and conditions in our social system.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 18, 1887.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 7th ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill "for the relief of Hiatt & Co., late traders for the Osage tribe of Indians, and for other purposes."

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 20, 1887.

To the Senate of the United States:

I transmit herewith, with a view to its ratification, a draft of declaration explanatory of Articles II and IV of the convention for the protection of submarine cables, which has been proposed by the conference of 1886 for ratification by the Governments adhering to the said convention.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 20, 1887.*

To the Senate and House of Representatives:

I herewith transmit a communication addressed to me by Mr. Samuel C. Reid, who offers to the United States the battle sword (now in my custody) of his father, Captain Samuel Chester Reid, who commanded the

United States private armed brig *General Armstrong* at the battle of Fayal, in September, 1814.

I respectfully recommend that appropriate action be taken by Congress for the acceptance of this gift.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 20, 1887.*

To the Senate of the United States:

I have the honor to transmit to the Senate herewith a report of the Secretary of State, in answer to the resolution of the Senate of the 11th instant, requesting "estimates for the contingent fund of each bureau" in the Department of State.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 20, 1887.*

To the Senate:

I transmit herewith a report of the Secretary of State, in answer to the resolution of the Senate of December 8, 1886, relative to the claims of Antonio Pelletier and A. H. Lazare against the Republic of Hayti.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 25, 1887.*

To the Senate of the United States:

In response to the resolution of the Senate of the 21st ultimo, calling for certain correspondence touching the construction of a ship canal through Nicaragua, I transmit herewith a report from the Secretary of State on the subject, with accompanying papers.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 1, 1887.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, together with a copy of the report, which it incloses, of Lieutenant William H. Schuetze, United States Navy, who was designated by the Secretary of the Navy, in pursuance of the act of Congress of March 3, 1885, making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1886, to distribute the testimonials of the Government to subjects of Russia who extended aid to the survivors of the *Jeannette* exploring expedition and to the parties dispatched by this Government to aid the said survivors.

The report is interesting alike to the people of the United States and to the subjects of Russia, and will be gratifying to all who appreciate the generous and humane action of Congress in providing for the testimonials.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 1, 1887.*

To the House of Representatives of the United States:

In response to the resolution of the House of Representatives adopted on the 22d ultimo, calling upon me for a "copy of the treaty or convention proposed to the Senate and ratified by that body between the United States and the Government of the Hawaiian Islands," I transmit herewith a report of the Secretary of State, with accompanying papers.

It is proper to remark in this relation that no convention whatever has been "agreed to and ratified" by "the President and Senate," as is recited in the preamble to the said resolution of the House of Representatives, but that the documents referred to, exhibiting the action of the Executive and the Senate, respectively, are communicated in compliance with the request of the resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 8, 1887.*

To the House of Representatives of the United States:

I transmit herewith, in response to a resolution of the House of the 24th ultimo, a report of the Secretary of State, with accompanying copies of correspondence between the Governments of the United States and Great Britain concerning the rights of American fishermen in the waters of British North America, supplemental to the correspondence already communicated to Congress with my message of December 8, 1886.*

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 10, 1887.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, accompanying reports by consular officers of the United States on the extent and character of the emigration from and immigration into their respective districts

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 14, 1887.

To the Senate of the United States:

I transmit herewith, with a view to its ratification, a treaty of amity, commerce, and navigation, concluded October 2, 1886, in the harbor of Nukualofa, Tongatabu, between the United States of America and the King of Tonga.

I also transmit, for your information, a report from the Secretary of State, inclosing copies of the treaties of friendship concluded between the Kingdom of Tonga and Germany and Great Britain.

GROVER CLEVELAND.

*See pp. 5114-5115.

EXECUTIVE MANSION, *February 14, 1887.*

To the Senate of the United States:

I transmit herewith a report furnished by the Secretary of State in response to a resolution of the Senate of January 31 ultimo, calling for particulars of the investment and distribution of the indemnity received in 1875 from Spain, and known as the "*Virginius* fund."

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 15, 1887.*

To the House of Representatives:

In compliance with the resolution of the Senate of the 12th instant (the House of Representatives concurring), I return herewith the bill (H. R. 5652) for the relief of James W. Goodrich.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 16, 1887.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, accompanying the annual reports of the consuls of the United States on the trade and industries of foreign countries.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 19, 1887.*

To the House of Representatives of the United States:

I transmit herewith to the House of Representatives a report from the Secretary of State, in response to a resolution of that body of the 16th instant, inquiring as to the action of this Department to protect the interests of American citizens whose property was destroyed by fire caused by insurgents at Aspinwall in 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 23, 1887.*

To the Senate:

In answer to the resolution of the Senate of the 14th instant, relating to the arrest, trial, and discharge of A. K. Cutting, a citizen of the United States, by the authorities of Mexico, I transmit herewith a letter from the Secretary of State of this date, with its accompaniment.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 25, 1887.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring), I return herewith the bill (H. R. 367) to amend

section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 25, 1887.

To the Senate of the United States:

I transmit herewith, with a view to its ratification, an additional article to the treaty of extradition concluded October 11, 1870, between the United States of America and the Republic of Guatemala.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 26, 1887.*

To the Senate:

I transmit herewith, in reply to a resolution of the Senate of the 21st ultimo, a report from the Secretary of State, relative to the seizure and sale of the American schooner *Rebecca* at Tampico and the resignation of Henry R. Jackson, esq., as minister of the United States to Mexico. It is not thought compatible with the public interests to publish the correspondence in either case at the present time.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 28, 1887.*

To the Senate and House of Representatives:

I transmit herewith a communication of 17th instant from the Secretary of the Interior, submitting, with accompanying papers, two agreements made with Chippewa Indians in the State of Minnesota under the provisions of the act of May 15, 1886 (24 U. S. Statutes at Large, p. 44).

The papers are presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 1, 1887.

To the Senate of the United States:

In answer to the resolution of the Senate of the 22d ultimo, requesting copies of certain letters, dated June 8, 1886, and September 20, 1886, addressed by the counsel of A. H. Lazare to the Secretary of State, in regard to the award against the Republic of Hayti in favor of A. H. Lazare under the protocol signed by the Secretary of State and the minister of Hayti on May 24, 1884, I transmit a report from the Secretary of State upon the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 1, 1887.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 28th ultimo (the Senate concurring), I return herewith the bill of the House (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1887.*

To the Senate of the United States:

In response to the resolution of the Senate of the 14th ultimo, requesting information concerning the service rendered by Count Casimir Pulaski, a brigadier-general of the Army of the United States in the years 1777, 1778, and 1779, and also respecting his pay and compensation, I transmit herewith reports upon the subject from the Secretary of State, the Secretary of the Treasury, and the Secretary of War.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 2, 1887.

To the Senate of the United States:

I transmit herewith a report of the Secretary of State, with accompanying papers, furnished in response to the resolution of the Senate of the 26th ultimo, calling for information touching the conditions under which certain transatlantic telegraph companies have been permitted to land their cables in the United States, and touching contracts of such companies with each other or with other cable or telegraph companies.

GROVER CLEVELAND.

VETO MESSAGES.

EXECUTIVE MANSION, *January 19, 1887.*

To the Senate:

I return without approval Senate bill No. 2269, entitled "An act granting a pension to William Dickens."

The beneficiary named in this bill filed his application for pension in the Pension Bureau in 1880, and in December, 1886, the same was granted, taking effect from the 15th day of October, 1864.

If the bill herewith returned should become a law, it would permit the payment of a pension only from the date of its approval. Thus, if it did not result in loss to the claimant by superseding the action of the Pension Bureau, it is plain that it would be a useless enactment.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 27, 1887.*

To the Senate:

I hereby return without approval Senate bill No. 2173, entitled "An act granting a pension to Benjamin Obekiah."

This bill directs that the beneficiary named therein be placed upon the pension roll, "subject to the provisions and limitations of the pension laws."

In July, 1886, the person named in this bill was placed upon the pension roll at a rate determined upon by the Pension Bureau, pursuant to the provisions and limitations of the pension laws; and it is entirely certain that the special act now presented to me would give the claimant no new rights or additional benefits.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 27, 1887.*

To the Senate:

I herewith return without approval Senate bill No. 127, entitled "An act for the relief of H. K. Belding."

This bill directs the sum of $1,566 to be paid to the said H. K. Belding "for carrying the mails of the United States between the years 1858 and 1862."

In April, 1858, a contract was awarded to the said Belding for carrying the mails from Brownsville, Minn., to Carimona, in the same State, a distance of 63 miles, and return, three times a week, for the sum of $1,800 per annum, said service to begin on the 1st day of July, 1858, and to terminate on the 30th day of June, 1862. This contract contained a provision that the Post-Office Department might discontinue the service in whole or in part, allowing to the contractor one month's extra pay therefor.

On May 9, 1859, in consequence of a failure on the part of the Congress to make the necessary appropriation, a general reduction of mail service was ordered, and the service under the contract with the claimant was reduced to two trips per week from May 10, 1859, instead of three, as stipulated in the contract, and a deduction of one-third of the annual sum to be paid by the contract was made for such reduced service; and thereupon one month's extra pay was allowed and paid the contractor on account of said reduction.

It is conceded that payment was made in full according to the terms of the contract up to the 10th day of May, 1859, but it is claimed that notwithstanding the reduction of the service to two trips per week and the receipt by the contractor of one month's extra pay by reason thereof, he continued to perform the full service of three trips per week from the 10th day of May, 1859, to the 30th day of September, 1860, being seventeen months.

Of the sum directed to be paid to him in the bill under consideration, $850 is allowed him on account of this service, he having been paid for the period stated at the rate of $1,200 per annum. The contractor claims that this full service was performed after the reduction by the Post-Office Department because he had received an intimation from the Postmaster-General that if the full service was continued after such reduction there was no doubt that the Congress would at its next session make provision for the payment of the sum deducted.

Of course no legal claim in favor of the contractor can be predicated upon the facts which he alleges; and if he did continue full service under the circumstances stated, it must be conceded that his conduct was hardly in accordance with the rules which regulate transactions of this kind.

But a thorough search of the correspondence and records in the Post-Office Department fails to disclose any letter, document, or record giving the least support to the allegation that any such intimation or assurance as is claimed was given; nor is there the least evidence in the Department that the full service was actually performed. There is, however, on the files of the Department a letter from the claimant, dated August 25, 1860, containing the following statement:

> When I received official information of the curtailing service, the reasons why, I wrote to the Department that I would, if allowed, continue service three times a week and take certificates, if I could be allowed to connect with La Crosse at *pro rata* rates. That letter was never answered and I continued service three times a week till 3d of September following, then run twice a week.

Thus it appears that this contractor, who in August, 1860, claimed that he continued full service upon the invitation of his own unanswered letter for less than four months, insists twenty-seven years after the date of the alleged service that he performed such service for seventeen months, and up to October, 1860. Not only has he himself in this manner almost conclusively shown that the claim now made and allowed is exorbitant, but the evidence gives rise to a strong presumption that it is entirely fictitious.

The remainder of the amount allowed to the claimant in this bill is based upon an alleged performance by the contractor of the same mail service which has been referred to from October 1, 1860, to February 14, 1861, a period of four months and fourteen days.

Prior to October 1, 1860, the claimant's contract was annulled and a new or more extended route established, entirely covering that upon which he had carried the mails. Thereupon a month's extra pay was allowed to him, and new contractors undertook the service and were paid therefor by the Government for the period covered by the claimant's alleged service. From the 14th day of February, 1861, Mr. Belding's contract with the Government was reinstated; but if he performed the service alleged during the period of four months and fourteen days immediately prior to

that date, it is quite clear that he did so under an arrangement with the new contractors, and not under circumstances creating any legal or equitable claim against the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 31, 1887.*

To the Senate:

I hereby return without approval Senate bill No. 2167, entitled "An act granting a pension to Mrs. Margaret Dunlap"

By this bill it is proposed to grant a pension to the beneficiary therein named as the mother of James F. Dunlap, who enlisted in the Seventh Missouri State Militia Cavalry in 1862 and died in July, 1864, of wounds received at the hand of a comrade.

The favorable action of the Senate upon this bill appears to be based, so far as the cause of death is concerned, upon an affidavit contained in the report of the committee to which the bill was referred, made by one G. Will Houts, second lieutenant in the company to which the deceased soldier belonged, in which the affiant deposes that some of the comrades of the deceased being engaged in an affray he attempted to separate the combatants, whereupon one of them, without cause or provocation, stabbed the deceased in the breast, from which, in a few days thereafter, he died; to which affidavit is added the finding of a court-martial that the party inflicting the wound was found guilty of manslaughter and sentenced to five years' imprisonment.

Upon this showing it might be difficult to spell out the facts that the injury to the soldier was received in the line of duty or that any theory of granting pensions covered the case.

But the weak features of this application are not alluded to in the committee's report.

The record of the soldier's death states that he was "killed by one of his comrades in a difficulty."

The same Lieutenant Houts who in 1872 made oath that the soldier was wounded while attempting to separate comrades who were fighting testified in 1864 before the court-martial upon the trial of the man who did the wounding, and whose name was Capehart, that Dunlap, the deceased, stated to him "that he was more to blame than Capehart, and that they had been scuffling, at first good-naturedly, and then both got angry; that he was rougher with Capehart than he ought to have been."

Another witness testified that the affray took place between Dunlap and Capehart; that Dunlap handled Capehart very roughly, kicking him, etc., and that finally Capehart stabbed Dunlap, upon which the latter attempted to get his gun, but was prevented from doing so by the witness.

Of course there can be no pretense of any kind of claim against the Government arising from these facts.

It is quite evident that the affidavit presented to the Senate committee

was contrived to deceive, and it is to be feared that it is but a sample of many that are made in support of claims for pensions.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 3, 1887.*

To the House of Representatives:

I return without approval House bill No. 6443, entitled "An act granting a pension to Alexander Falconer."

This claimant filed his application for pension in 1879, alleging that in 1837, being then an enlisted man in the United States Army, he received a gunshot wound in his right leg below the knee at the battle of Okeechobee Lake, Florida.

The records disclose the fact that this soldier enlisted in 1834, and was almost continuously in the service and attached to the same company until 1846.

It further appears that he is reported sick during the month in which the battle was fought. The list of casualties does not contain his name among the wounded.

He reenlisted in 1846 and again in 1847, and was finally discharged in 1848. These latter enlistments were for service in the Mexican War.

His claim for pension was denied in 1885 on the ground that no disability existed in a pensionable degree from the alleged gunshot wound in his leg.

It is perfectly clear that the only pretexts for giving this claimant a pension are military service, old age, and poverty.

Inasmuch as he was a soldier in the Mexican War, his case is undoubtedly provided for by a general law approved within the last few days.

Under this bill the amount to be paid him is fixed, while if the bill herewith returned were approved the sum to be paid him would depend upon the determination of the Pension Bureau as to the extent of his disability as the result of his wound. As that Bureau has quite lately determined that there was no disability, it is evident that this old soldier can better rely upon the general law referred to.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 3, 1887.*

To the House of Representatives:

I herewith return without approval House bill No. 6132, entitled "An act granting a pension to William Lynch."

The claimant mentioned in this bill enlisted in the Fifth Regiment United States Infantry in 1849, and was discharged, after a reenlistment September 8, 1859.

He filed a claim for pension more than twenty-four years afterwards

in April, 1884, claiming that he contracted rheumatism of the right hip and leg in the winter of 1857–58, while serving in Utah. He admitted that he was not under treatment while in the service and that he never consulted a physician in regard to his disability until he commenced proceedings for a pension.

The evidence disclosed to me falls far short of establishing this claim for pension upon its merits.

The application made to the Pension Bureau is still pending and awaiting answer to inquiries made by the Bureau in January, 1886.

I do not understand that the Congress intends to pass special acts in cases thus situated.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1887.*

To the House of Representatives:

I hereby return without approval House bill No. 7698, entitled "An act granting a pension to Robert K. Bennett."

The beneficiary named in this bill enlisted in September, 1862, and it appears that very soon after that he was detailed to the cook shop. This seems to be the only military service he rendered, and on February 7, 1863, five months after enlistment, he was received into the marine hospital at New Orleans for varicocele. He was discharged from the service February 22, 1863, and the cause of discharge is stated to be "varicocele, to which he was subject four years before enlistment."

Seventeen years thereafter, and in June, 1880, this claimant filed an application for pension in the Pension Bureau, alleging that about the 10th day of February, 1863, in unloading a barrel it fell upon him, producing a hernia, shortly after which he was affected by piles.

It will be seen that he fixes this injury as occurring three days after his admission to the hospital, but he might well be honestly mistaken as to this date. If the injury, however, was such as he stated, it is difficult to see why no mention was made of it in the hospital records.

He persisted at all times, as I understand the case, until the rejection of his claim in 1883, that his disability arose from hernia and piles. The reason of this rejection is stated to be that varicocele existed prior to enlistment and that there was no evidence of the existence of piles in the service or at discharge. From a medical examination made in December, 1882, it appears that there was "no evidence or symptoms of disability resulting from piles or hernia.

Subsequent to the rejection of this claim some proof was filed tending to show that the disability was in the right leg, but it is of such a nature, in the light of the claimant's own previous allegations, that I think the Pension Bureau did entirely right in informing his attorney that the additional evidence did not change the status of the case.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1887.*

To the House of Representatives:

I hereby return without approval House bill No. 7540, entitled "An act to increase the pension of Franklin Sweet."

This soldier was pensioned in 1863 as sergeant, though before that time he had been acting as captain, and was in command of his company when he was wounded. He is entitled in equity, and, I think, upon the theory of an act very recently approved, in law, to be treated in regard to his pension as a captain; and the Pension Bureau has within the last few days ordered a certificate for pension to issue to him as captain as of the date of his discharge.

I fully approve this action of the Bureau, and as this is much more favorable to a deserving soldier than his remedy under this bill, I am not willing that the action so lately and so justly taken in his behalf under the general law should be superseded by the approval of this act.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1887.*

To the House of Representatives:

I herewith return without approval House bill No. 8834, entitled "An act granting a pension to Abraham P. Griggs."

The claimant mentioned in this bill enlisted in a New Jersey regiment August 14, 1861, and was discharged for disability November 17, 1863.

He entered hospital January 2, 1863, and was transferred to general hospital at Newark, N. J., March 28, 1863, with "debility."

He was discharged from that hospital and from the service in November, 1863, as above stated, and the following statement from his certificate of discharge, if trustworthy, sheds some light upon the kind of debility with which he was afflicted:

> This man has been in this hospital for the past eight months. We do not believe him sick, or that he has been sick, but completely worthless. He is obese and a malingerer to such an extent that he is almost an imbecile—worthlessness, obesity, and imbecility and laziness. He is totally unfit for the Invalid Corps or for any other military duty.

I do not regard it at all strange that this claimant, encouraged by the ease with which special acts are passed, seeks relief through such means, after his application, filed in the Pension Bureau nearly twenty years after his discharge, had been rejected.

Of the four comrades who make affidavit in support of his claim, two of them are recorded as deserters.

His claim is predicated upon rheumatism. He alleges that after his discharge from his enlistment he was drafted and served in the Third New York Cavalry, but the Adjutant-General reports that his name does not appear on the rolls of the company to which he says he was attached.

The board of United States examining surgeons at Trenton, N. J., report as the result of an examination as late as May 27, 1885, that they found "no disease of heart or lungs, no thickening or wasting of any of the joints of the body, no evidence of any rheumatic diathesis, no rupture or hemorrhoids, no disease of his spleen or kidney; hands are hard and indicate an ability to work."

I can not think that the official statements referred to, and which militate so strongly against the merits of the claimant, should be impeached or set aside by any of the other testimony which has been brought to my attention.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1887.*

To the House of Representatives:

I hereby return without approval House bill No. 927, entitled "An act granting a pension to Cudbert Stone."

The report of the committee of the House of Representatives to whom this bill was referred states that the claimant enlisted October 3, 1861, in Company H, Fourteenth Kentucky Volunteers, and was honorably discharged on the 31st day of January, 1865; that he filed his claim for pension July 20, 1881, more than sixteen years thereafter, alleging that he contracted piles while in the service, from exposure while in the line of duty, and that his claim was rejected in October, 1884, on the ground that the allegation of the claimant shows that his disability originated while undergoing the sentence of a court-martial, and therefore not in the line of duty.

The report of the committee closes with the statement that—

> In view of the long and faithful service and high character of the claimant and the well-established facts that claimant was a stout and able-bodied man, free from any and all disease when he enlisted, and that by reason of his faithful service to his country and the great suffering and hardship through which he passed while in said service his health was permanently destroyed, the committee earnestly recommend the passage of the bill.

The records of the War Department show that the claimant enlisted October 25, 1861, and that on the muster-in roll of his company dated December 10, 1861, he is reported as present; that on the roll dated December 31, 1861, he is reported as absent without leave; that on the roll for January and February, 1862, he is reported as deserted; that he is not borne on subsequent rolls until that for November, 1864, when he is reported as gained from desertion; he was mustered out with his company January 31, 1865, and the records offered no evidence of disability; that in his claim for pension, filed in 1881, he alleges that he contracted piles in the winter of 1863.

In a subsequent statement he alleges that this date is erroneous, and that his disability was contracted in October, 1864, and that he believes

it was the result of his having diarrhea for about twelve months prior to that date, contracted while he was being carried from place to place as a prisoner, he having been tried by a court-martial in May, 1862, for desertion and sentenced to imprisonment until the expiration of his term of enlistment.

Thus it quite plainly appears that this claimant spent the most of his term of enlistment in desertion or in imprisonment as a punishment of that offense; and thus is exhibited the "long and faithful service and the high character of the claimant" mentioned as entitling him to consideration by the committee who reported favorably upon this bill.

I withhold my assent from this bill because, if the facts before me, derived from the army records and the statements of the claimant are true, the allowance of this claim would, in my opinion, be a travesty upon our whole scheme of pensions and an insult to every decent veteran soldier.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1887.*

To the House of Representatives:

I return herewith without approval House bill No. 8150, entitled "An act granting a pension to Jesse Campbell."

The claim for a pension made by the beneficiary named in this bill to the Pension Bureau, and rejected in 1881, was reopened upon further proof in January, 1887, and the claimant was ordered before a board of examining surgeons, upon which a report has not yet been made.

Inasmuch as the only ground for the rejection of his claim was the nonexistence of pensionable disability from the cause he alleged, and in view of the fact that he now alleges a different disability, which the new evidence seems to support, there is no doubt that justice will be done the claimant under the general law.

This bill if passed would only place the name of the beneficiary upon the pension roll, "subject to the restrictions and limitations of the pension laws." Whether any sum was allowed him or not would still depend upon the existence of a disability; and if this is found upon the examination lately ordered, he will undoubtedly be put upon the pension roll, under existing law, in accordance with his supplementary claim.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1887.*

To the House of Representatives:

I hereby return without approval House bill No. 6832, entitled "An act granting a pension to Mrs. Catharine Sattler."

The beneficiary named in this bill claims a pension as the surviving widow of Julius Sattler, who enlisted in Company A, Seventh New York

Volunteers, and was in the service from March 10, 1864, to March 22, 1865, when he was discharged because of the amputation of his left forearm in consequence of a wound received in the battle of Deep Bottom, Virginia, on the 14th day of August, 1864. He was pensioned in 1865 at the rate of $8 per month, which was afterwards increased to $15 per month, dating from June 6, 1866.

In October, 1867, he was employed as a watchman in the United States bonded warehouse in the city of New York, and on the 31st day of that month he received his monthly pay of $50. He disappeared on that day, and on the 13th day of November, 1867, his body was found in the North River, at the foot of West Thirteenth street, in the city of New York without his hat, coat, watch, or money.

These facts, with the further statement that he was a strong and healthy man at the time of his death, constitute the case on the part of the widow, who filed her application for a pension July 8, 1884, nearly seventeen years after her husband's death, alleging that she was married to the deceased in 1865, after the amputation of his arm.

Her claim was rejected in November, 1884, upon the ground that the soldier's death was not due to his military service.

This rejection was clearly right, unless the Government is to be held as an insurer against every fatal casualty incurred by those who have served in the Army, without regard to the manner of its occurrence.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1887.*

To the House of Representatives:

I herewith return without approval House bill No. 6825, entitled "An act granting a pension to James R. Baylor."

The claim of the beneficiary named in this bill is based upon an injury to his left ankle in 1862.

A medical examination in 1877 showed no appearance of there ever having been a fracture of the left ankle, as alleged by the claimant, and it was determined that there was no disability. A later examination in the same year was had with the same result. Still another medical examination was had in June, 1884, which, although nearly agreeing with the previous ones, and giving rise to some suspicion that the claimant was inclined to exaggerate and prevent a free and fair examination, still does not absolutely exclude a very slight disability.

Upon the report of this last examination the case has been reopened for further proof of disability since discharge, which if found will entitle the claimant to a pension under general laws. On the question to be determined he would have no advantage under a special act, inasmuch as there must be a ratable disability to entitle him to any payment in pursuance of its provisions.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 11, 1887.*

To the House of Representatives:

I herewith return without my approval House bill No. 10457, entitled "An act for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support."

This is the first general bill that has been sanctioned by the Congress since the close of the late civil war permitting a pension to the soldiers and sailors who served in that war upon the ground of service and present disability alone, and in the entire absence of any injuries received by the casualties or incidents of such service.

While by almost constant legislation since the close of this war there has been compensation awarded for every possible injury received as a result of military service in the Union Army, and while a great number of laws passed for that purpose have been administered with great liberality and have been supplemented by numerous private acts to reach special cases, there has not until now been an avowed departure from the principle thus far adhered to respecting Union soldiers, that the bounty of the Government in the way of pensions is generously bestowed when granted to those who, in this military service and in the line of military duty, have to a greater or less extent been disabled.

But it is a mistake to suppose that service pensions, such as are permitted by the second section of the bill under consideration, are new to our legislation. In 1818, thirty-five years after the close of the Revolutionary War, they were granted to the soldiers engaged in that struggle, conditional upon service until the end of the war or for a term not less than nine months, and requiring every beneficiary under the act to be one "who is, or hereafter by reason of his reduced circumstances in life shall be, in need of assistance from his country for support." Another law of a like character was passed in 1828, requiring service until the close of the Revolutionary War; and still another, passed in 1832, provided for those persons not included in the previous statute, but who served two years at some time during the war, and giving a proportionate sum to those who had served not less than six months.

A service-pension law was passed for the benefit of the soldiers of 1812 in the year 1871, fifty-six years after the close of that war, which required only sixty days' service; and another was passed in 1878, sixty-three years after the war, requiring only fourteen days' service.

The service-pension bill passed at this session of Congress, thirty-nine years after the close of the Mexican War, for the benefit of the soldiers of that war, requires either some degree of disability or dependency or that the claimant under its provisions should be 62 years of age, and in either case that he should have served sixty days or been actually engaged in a battle.

It will be seen that the bill of 1818 and the Mexican pension bill, being

thus passed nearer the close of the wars in which its beneficiaries were engaged than the others—one thirty-five years and the other thirty-nine years after the termination of such wars—embraced persons who were quite advanced in age, assumed to be comparatively few in number, and whose circumstances, dependence, and disabilities were clearly defined and could be quite easily fixed.

The other laws referred to appear to have been passed at a time so remote from the military service of the persons which they embraced that their extreme age alone was deemed to supply a presumption of dependency and need.

The number of enlistments in the Revolutionary War is stated to be 309,791, and in the War of 1812 576,622; but it is estimated that on account of repeated reenlistments the number of individuals engaged in these wars did not exceed one-half of the number represented by these figures. In the war with Mexico the number of enlistments is reported to be 112,230, which represents a greater proportion of individuals engaged than the reported enlistments in the two previous wars.

The number of pensions granted under all laws to soldiers of the Revolution is given at 62,069; to the soldiers of the War of 1812 and their widows, 60,178; and to soldiers of the Mexican War and their widows, up to June 30, 1885, 7,619. The latter pensions were granted to the soldiers of a war involving much hardship for disabilities incurred as a result of such service; and it was not till within the last month that the few remaining survivors were awarded a service pension.

The war of the Rebellion terminated nearly twenty-two years ago; the number of men furnished for its prosecution is stated to be 2,772,408. No corresponding number of statutes have ever been passed to cover every kind of injury or disability incurred in the military service of any war. Under these statutes 561,571 pensions have been granted from the year 1861 to June 30, 1886, and more than 2,600 pensioners have been added to the rolls by private acts passed to meet cases, many of them of questionable merit, which the general laws did not cover.

On ths 1st day of July, 1886, 365,763 pensioners of all classes were upon the pension rolls, of whom 305,605 were survivors of the War of the Rebellion and their widows and dependents. For the year ending June 30, 1887, $75,000,000 have been appropriated for the payment of pensions, and the amount expended for that purpose from 1861 to July 1, 1886, is $808,624,811.51.

While annually paying out such a vast sum for pensions already granted, it is now proposed by the bill under consideration to award a service pension to the soldiers of all wars in which the United States has been engaged, including of course the War of the Rebellion, and to pay those entitled to the benefits of the act the sum of $12 per month.

So far as it relates to the soldiers of the late civil war, the bounty it affords them is given thirteen years earlier than it has been furnished the

MORMON TEMPLE AND TABERNACLE—POLYGAMOUS FAMILY

THE MORMONS

"The Mormons came into political prominence because of their practice and advocacy of polygamy. The sect was founded by Joseph Smith in 1830 on what they claim to have been a divine revelation. They organized first in New York and Vermont and later in Missouri and Illinois. Finally, about 1847, they settled at Salt Lake City, Utah.

"Their defiance and resistance of law caused many difficulties between them and the authorities. Their first armed resistance to Federal authority was in 1857. Special laws bearing upon the Mormons were passed by Congress in 1862, 1882, and 1887. The Supreme Court of the United States upheld these laws which forbade polygamy and provided for its punishment by heavy fines and imprisonment, disincorporated the church and its societies and confiscated their property."

Quoted from the article entitled "Mormons" in the Encyclopedic Index. The remainder of the article discusses the recent troubles with Mormonism, notably the contest over Reed Smoot's election to the Senate. Kindred articles are "Polygamy" and "Utah." Buchanan and Cleveland very fully discussed the matter.

soldiers of any other war, and before a large majority of its beneficiaries have advanced in age beyond the strength and vigor of the prime of life.

It exacts only a military or naval service of three months, without any requirement of actual engagement with an enemy in battle, and without a subjection to any of the actual dangers of war.

The pension it awards is allowed to enlisted men who have not suffered the least injury, disability, loss, or damage of any kind, incurred in or in any degree referable to their military service, including those who never reached the front at all and those discharged from rendezvous at the close of the war, if discharged three months after enlistment. Unde the last call of the President for troops, in December, 1864, 11,303 men were furnished who were thus discharged.

The section allowing this pension does, however, require, besides a service of three months and an honorable discharge, that those seeking the benefit of the act shall be such as "are now or may hereafter be suffering from mental or physical disability, not the result of their own vicious habits or gross carelessness, which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support."

It provides further that such persons shall, upon making proof of the fact, "be placed on the list of invalid pensioners of the United States, and be entitled to receive for such total inability to procure their subsistence by daily labor $12 per month; and such pension shall commence from the date of the filing of the application in the Pension Office, upon proof that the disability then existed, and continue during the existence of the same in the degree herein provided: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefit of this act."

It is manifestly of the utmost importance that statutes which, like pension laws, should be liberally administered as measures of benevolence in behalf of worthy beneficiaries should admit of no uncertainty as to their general objects and consequences.

Upon a careful consideration of the language of the section of this bill above given it seems to me to be so uncertain and liable to such conflicting constructions and to be subject to such unjust and mischievous application as to alone furnish sufficient ground for disapproving the proposed legislation.

Persons seeking to obtain the pension provided by this section must be now or hereafter—

1. "Suffering from mental or physical disability."

2. Such disability must not be "the result of their own vicious habits or gross carelessness."

3. Such disability must be such as "incapacitates them for the performance of labor in such a degree as to render them unable to earn a support."

4. They must be "dependent upon their daily labor for support."

5. Upon proof of these conditions they shall "be placed on the lists of invalid pensioners of the United States, and be entitled to receive for such total inability to procure their subsistence by daily labor $12 per month."

It is not probable that the words last quoted, "such total inability to procure their subsistence by daily labor," at all qualify the conditions prescribed in the preceding language of the section. The "total inability" spoken of must be "such" inability—that is, the inability already described and constituted by the conditions already detailed in the previous parts of the section.

It thus becomes important to consider the meaning and the scope of these last-mentioned conditions.

The mental and physical disability spoken of has a distinct meaning in the practice of the Pension Bureau and includes every impairment of bodily or mental strength and vigor. For such disabilities there are now paid 131 different rates of pension, ranging from $1 to $100 per month.

This disability must not be the result of the applicant's "vicious habits or gross carelessness." Practically this provision is not important. The attempt of the Government to escape the payment of a pension on such a plea would of course in a very large majority of instances, and regardless of the merits of the case, prove a failure. There would be that strange but nearly universal willingness to help the individual as between him and the public Treasury which goes very far to insure a state of proof in favor of the claimant.

The disability of applicants must be such as to "incapacitate them for the performance of labor in such a degree as to render them unable to earn a support."

It will be observed that there is no limitation or definition of the incapacitating injury or ailment itself. It need only be such a degree of disability from any cause as renders the claimant unable to earn a support by labor. It seems to me that the "support" here mentioned as one which can not be earned is a complete and entire support, with no diminution on account of the least impairment of physical or mental condition. If it had been intended to embrace only those who by disease or injury were totally unable to labor, it would have been very easy to express that idea, instead of recognizing, as is done, a "degree" of such inability.

What is a support? Who is to determine whether a man earns it, or has it, or has it not? Is the Government to enter the homes of claimants for pension and after an examination of their surroundings and circumstances settle those questions? Shall the Government say to one man that his manner of subsistence by his earnings is a support and to another that the things his earnings furnish are not a support? Any attempt, however honest, to administer this law in such a manner would

necessarily produce more unfairness and unjust discrimination and give more scope for partisan partiality, and would result in more perversion of the Government's benevolent intentions, than the execution of any statute ought to permit.

If in the effort to carry out the proposed law the degree of disability as related to earnings be considered for the purpose of discovering if in any way it curtails the support which the applicant, if entirely sound, would earn, and to which he is entitled, we enter the broad field long occupied by the Pension Bureau, and we recognize as the only difference between the proposed legislation and previous laws passed for the benefit of the surviving soldiers of the Civil War the incurrence in one case of disabilities in military service and in the other disabilities existing, but in no way connected with or resulting from such service.

It must be borne in mind that in no case is there any grading of this proposed pension. Under the operation of the rule first suggested, if there is a lack in any degree, great or small, of the ability to earn such a support as the Government determines the claimant should have, and, by the application of the rule secondly suggested, if there is a reduction in any degree of the support which he might earn if sound, he is entitled to a pension of $12.

In the latter case, and under the proviso of the proposed bill permitting persons now receiving pensions to be admitted to the benefits of the act, I do not see how those now on the pension roll for disabilities incurred in the service, and which diminish their earning capacity, can be denied the pension provided in this bill.

Of course none will apply who are now receiving $12 or more per month. But on the 30th day of June, 1886, there were on the pension rolls 202,621 persons who were receiving fifty-eight different rates of pension from $1 to $11.75 per month. Of these, 28,142 were receiving $2 per month; 63,116, $4 per month; 37,254, $6 per month, and 50,274, whose disabilities were rated as total, $8 per month.

As to the meaning of the section of the bill under consideration there appears to have been quite a difference of opinion among its advocates in the Congress. The chairman of the Committee on Pensions in the House of Representatives, who reported the bill, declared that there was in it no provision for pensioning anyone who has a less disability than a total inability to labor, and that it was a charity measure. The chairman of the Committee on Pensions in the Senate, having charge of the bill in that body, dissented from the construction of the bill announced in the House of Representatives, and declared that it not only embraced all soldiers totally disabled, but, in his judgment, all who are disabled to any considerable extent; and such a construction was substantially given to the bill by another distinguished Senator, who, as a former Secretary of the Interior, had imposed upon him the duty of executing pension laws and determining their intent and meaning.

Another condition required of claimants under this act is that they shall be "dependent upon their daily labor for support."

This language, which may be said to assume that there exists within the reach of the persons mentioned "labor," or the ability in some degree to work, is more aptly used in a statute describing those not wholly deprived of this ability than in one which deals with those utterly unable to work.

I am of the opinion that it may fairly be contended that under the provisions of this section any soldier whose faculties of mind or body have become impaired by accident, disease, or age, irrespective of his service in the Army as a cause, and who by his labor only is left incapable of gaining the fair support he might with unimpaired powers have provided for himself, and who is not so well endowed with this world's goods as to live without work, may claim to participate in its bounty; that it is not required that he should be without property, but only that labor should be necessary to his support in some degree; nor is it required that he should be now receiving support from others.

Believing this to be the proper interpretation of the bill, I can not but remember that the soldiers of our Civil War in their pay and bounty received such compensation for military service as has never been received by soldiers before since mankind first went to war; that never before on behalf of any soldiery have so many and such generous laws been passed to relieve against the incidents of war; that statutes have been passed giving them a preference in all public employments; that the really needy and homeless Union soldiers of the rebellion have been to a large extent provided for at soldiers' homes, instituted and supported by the Government, where they are maintained together, free from the sense of degradation which attaches to the usual support of charity; and that never before in the history of the country has it been proposed to render Government aid toward the support of any of its soldiers based alone upon a military service so recent, and where age and circumstances appeared so little to demand such aid.

Hitherto such relief has been granted to surviving soldiers few in number, venerable in age, after a long lapse of time since their military service, and as a parting benefaction tendered by a grateful people.

I can not believe that the vast peaceful army of Union soldiers, who, having contentedly resumed their places in the ordinary avocations of life, cherish as sacred the memory of patriotic service, or who, having been disabled by the casualties of war, justly regard the present pension roll on which appear their names as a roll of honor, desire at this time and in the present exigency to be confounded with those who through such a bill as this are willing to be objects of simple charity and to gain a place upon the pension roll through alleged dependence.

Recent personal observation and experience constrain me to refer to another result which will inevitably follow the passage of this bill. It is

sad, but nevertheless true, that already in the matter of procuring pensions there exists a widespread disregard of truth and good faith, stimulated by those who as agents undertake to establish claims for pensions heedlessly entered upon by the expectant beneficiary, and encouraged, or at least not condemned, by those unwilling to obstruct a neighbor's plans.

In the execution of this proposed law under any interpretation a wide field of inquiry would be opened for the establishment of facts largely within the knowledge of the claimants alone, and there can be no doubt that the race after the pensions offered by this bill would not only stimulate weakness and pretended incapacity for labor, but put a further premium on dishonesty and mendacity.

The effect of new invitations to apply for pensions or of new advantages added to causes for pensions already existing is sometimes startling.

Thus in March, 1879, large arrearages of pensions were allowed to be added to all claims filed prior to July 1, 1880. For the year from July 1, 1879, to July 1, 1880, there were filed 110,673 claims, though in the year immediately previous there were but 36,832 filed, and in the year following but 18,455.

While cost should not be set against a patriotic duty or the recognition of a right, still when a measure proposed is based upon generosity or motives of charity it is not amiss to meditate somewhat upon the expense which it involves. Experience has demonstrated, I believe, that all estimates concerning the probable future cost of a pension list are uncertain and unreliable and always fall far below actual realization.

The chairman of the House Committee on Pensions calculates that the number of pensioners under this bill would be 33,105 and the increased cost $4,767,120. This is upon the theory that only those who are entirely unable to work would be its beneficiaries. Such was the principle of the Revolutionary pension law of 1818, much more clearly stated, it seems to me, than in this bill. When the law of 1818 was upon its passage in Congress, the number of pensioners to be benefitted thereby was thought to be 374, but the number of applicants under the act was 22,297, and the number of pensions actually allowed 20,485, costing, it is reported, for the first year, $1,847,900, instead of $40,000, the estimated expense for that period.

A law was passed in 1853 for the benefit of the surviving widows of Revolutionary soldiers who were married after January 1, 1800. It was estimated that they numbered 300 at the time of the passage of the act; but the number of pensions allowed was 3,742, and the amount paid for such pensions during the first year of the operation of the act was $180,000, instead of $24,000, as had been estimated.

I have made no search for other illustrations, and the above, being at hand, are given as tending to show that estimates can not be relied upon in such cases.

If none should be pensioned under this bill except those utterly unable

to work, I am satisfied that the cost stated in the estimate referred to would be many times multiplied, and with a constant increase from year to year; and if those partially unable to earn their support should be admitted to the privileges of this bill, the probable increase of expense would be almost appalling.

I think it may be said that at the close of the War of the Rebellion every Northern State and a great majority of Northern counties and cities were burdened with taxation on account of the large bounties paid our soldiers; and the bonded debt thereby created still constitutes a large item in the account of the taxgatherer against the people. Federal taxation, no less borne by the people than that directly levied upon their property, is still maintained at the rate made necessary by the exigencies of war. If this bill should become a law, with its tremendous addition to our pension obligation, I am thoroughly convinced that further efforts to reduce the Federal revenue and restore some part of it to our people will, and perhaps should, be seriously questioned.

It has constantly been a cause of pride and congratulation to the American citizen that his country is not put to the charge of maintaining a large standing army in time of peace. Yet we are now living under a war tax which has been tolerated in peaceful times to meet the obligations incurred in war. But for years past, in all parts of the country, the demand for the reduction of the burdens of taxation upon our labor and production has increased in volume and urgency.

I am not willing to approve a measure presenting the objections to which this bill is subject, and which, moreover, will have the effect of disappointing the expectation of the people and their desire and hope for relief from war taxation in time of peace.

In my last annual message the following language was used:

> Every patriotic heart responds to a tender consideration for those who, having served their country long and well, are reduced to destitution and dependence, not as an incident of their service, but with advancing age or through sickness or misfortune. We are all tempted by the contemplation of such a condition to supply relief, and are often impatient of the limitations of public duty. Yielding to no one in the desire to indulge this feeling of consideration, I can not rid myself of the conviction that if these ex-soldiers are to be relieved they and their cause are entitled to the benefit of an enactment under which relief may be claimed as a right, and that such relief should be granted under the sanction of law, not in evasion of it; nor should such worthy objects of care, all equally entitled, be remitted to the unequal operation of sympathy or the tender mercies of social and political influence, with their unjust discriminations.

I do not think that the objects, the conditions, and the limitations thus suggested are contained in the bill under consideration.

I adhere to the sentiments thus heretofore expressed. But the evil threatened by this bill is, in my opinion, such that, charged with a great responsibility in behalf of the people, I can not do otherwise than to bring to the consideration of this measure my best efforts of thought and

judgment and perform my constitutional duty in relation thereto, regardless of all consequences except such as appear to me to be related to the best and highest interests of the country.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 16, 1887.*

To the House of Representatives:

I return without my approval House bill No. 10203, entitled "An act to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas, and making an appropriation therefor."

It is represented that a long-continued and extensive drought has existed in certain portions of the State of Texas, resulting in a failure of crops and consequent distress and destitution.

Though there has been some difference in statements concerning the extent of the people's needs in the localities thus affected, there seems to be no doubt that there has existed a condition calling for relief; and I am willing to believe that, notwithstanding the aid already furnished, a donation of seed grain to the farmers located in this region, to enable them to put in new crops, would serve to avert a continuance or return of an unfortunate blight.

And yet I feel obliged to withhold my approval of the plan, as proposed by this bill, to indulge a benevolent and charitable sentiment through the appropriation of public funds for that purpose.

I can find no warrant for such an appropriation in the Constitution, and I do not believe that the power and duty of the General Government ought to be extended to the relief of individual suffering which is in no manner properly related to the public service or benefit. A prevalent tendency to disregard the limited mission of this power and duty should, I think, be steadfastly resisted, to the end that the lesson should be constantly enforced that though the people support the Government the Government should not support the people.

The friendliness and charity of our countrymen can always be relied upon to relieve their fellow-citizens in misfortune. This has been repeatedly and quite lately demonstrated. Federal aid in such cases encourages the expectation of paternal care on the part of the Government and weakens the sturdiness of our national character, while it prevents the indulgence among our people of that kindly sentiment and conduct which strengthens the bonds of a common brotherhood.

It is within my personal knowledge that individual aid has to some extent already been extended to the sufferers mentioned in this bill. The failure of the proposed appropriation of $10,000 additional to meet their remaining wants will not necessarily result in continued distress if the emergency is fully made known to the people of the country.

It is here suggested that the Commissioner of Agriculture is annually directed to expend a large sum of money for the purchase, propagation, and distribution of seeds and other things of this description, two-thirds of which are, upon the request of Senators, Representatives, and Delegates in Congress, supplied to them for distribution among their constituents.

The appropriation of the current year for this purpose is $100,000, and it will probably be no less in the appropriation for the ensuing year. I understand that a large quantity of grain is furnished for such distribution, and it is supposed that this free apportionment among their neighbors is a privilege which may be waived by our Senators and Representatives.

If sufficient of them should request the Commissioner of Agriculture to send their shares of the grain thus allowed them to the suffering farmers of Texas, they might be enabled to sow their crops, the constituents for whom in theory this grain is intended could well bear the temporary deprivation, and the donors would experience the satisfaction attending deeds of charity.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 19, 1887.*

To the Senate:

I herewith return without approval Senate bill No. 859, entitled "An act granting a pension to Charlotte O'Neal."

This bill proposes to grant a pension to the beneficiary therein named as the widow of Richard O'Neal, late colonel of the Twenty-sixth Regiment Indiana Volunteers.

In the report of the committee in the Senate to whom this bill was referred it is stated that the deceased soldier was the first colonel of the regiment named; that he resigned from the Army, and was by order of the governor of Indiana put in charge of the United States camps at Indianapolis. A military order is made part of the report, announcing that the funeral of Lieutenant-Colonel Richard O'Neal will take place January 6, 1863, and reciting the fact that the deceased had charge of the camps near Indianapolis for the preceding four months.

It is distinctly alleged in the report that the beneficiary did not apply to the Pension Bureau for relief because the disease of which her husband died was incurred after his resignation.

The records of the War Department fail to show that there was a colonel of the Twenty-sixth Indiana Regiment named Richard O'Neal, but it does appear that Richard Neal was lieutenant-colonel of said regiment; that he was mustered in August 31, 1861, and resigned June 30, 1862.

If this is the officer whose widow is named in the bill, the proposition is to pension a widow of a soldier who, after a ten months' service, resigned, and who seven months after his resignation died of disease which was in no manner related to his military service.

There is besides such a discrepancy between the name given in the bill and the name of the officer who served as lieutenant-colonel in the regiment mentioned that if the merits were with the widow the bill would need further Congressional consideration.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *February 19, 1887.*

I herewith return without approval Senate bill No. 1626, entitled "An act granting a pension to John Reed, sr."

The report of the Senate Committee on Pensions merely states that the mother of John Reed was granted a pension, commencing the 5th day of December, 1862; that she has since died, and that the proposed bill is to secure a pension to John Reed, sr., the aged and dependent father of the deceased soldier.

The records show that the beneficiary named in this bill filed an application for a pension in 1877, alleging that he was the father of John Reed, who died in the service, and that his wife, the mother of the deceased soldier, died May 10, 1872, and that he, the father, was mainly dependent upon his son for support. He filed evidence of the mother's death, and one witness alleged that he was present at her death and attended her funeral.

In 1864 Martha Reed, the mother of the soldier, filed her application for pension, in which she at first claimed to be the widow of John Reed. She afterwards, however, alleged that her husband, John Reed, abandoned his family in 1859 and had not thereafter contributed to their support, and that the soldier was her main support after such abandonment. She was allowed a pension as dependent mother, which commenced in 1862, the date of her son's death, and seems to have terminated July 22, 1884, when she died.

The claim of the father was rejected in 1883 for the reason that the mother, who had a prior right, was still living, and when his claim was again pressed in 1886 he was informed that his abandonment of his family in 1859 precluded the idea that he was entitled to a pension as being dependent upon the soldier for support.

Of course these decisions were correct in law, in equity, and in morals.

This case demonstrates the means employed in attempts to cheat the Government in applications for pensions—too often successful.

The allegation in 1877 of the man who now poses as the aged and dependent father of a dead soldier that the mother died in 1872, when at that time her claim was pending for pension largely based upon his abandonment; the affidavit of the man who testified that he saw her die in 1872; the effrontery of this unworthy father renewing his claim after the detection of his fraud and the actual death of the mother, and the allegation of the mother that she was a widow when in fact she was an abandoned

wife, show the processes which enter into these claims for pensions and the boldness with which plans are sometimes concocted to rob the Government by actually trafficking in death and imposing upon the sacred sentiments of patriotism and national gratitude.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 21, 1887.*

To the Senate:

I herewith return without approval Senate bill No. 2452, entitled "An act granting a pension to Rachel Ann Pierpont."

At the time this bill was introduced and passed an application for pension on behalf of the beneficiary named was pending in the Pension Bureau. This application was filed in December, 1879. Within the last few days, and on the 17th day of February, 1887, a pension was granted upon said application and a certificate issued at precisely the same rate which the bill herewith returned authorizes.

But the pension under the general laws dates from the time of filing the application in 1879, while under a special act it would date only from the time of its passage.

In the interest of the beneficiary and for her advantage the special bill is therefore disapproved.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 21, 1887.

To the Senate:

I return herewith without approval Senate bill No. 2111, entitled "An act granting a pension to Jacob Smith."

The beneficiary named in this bill filed his claim for a pension November 11, 1882. He seems upon the facts presented to be justly entitled to it, and since this bill has been in my hands the Commissioner of Pensions has reported to me that a certificate therefor would at once be issued.

Under such a certificate this disabled soldier's pension will commence November 11, 1882. Under this bill, if approved, it would date only from the time of its approval. I suppose his certificate has already been issued, and I am unwilling to jeopardize the advantages he has gained thereunder, as might be done if the bill herewith returned became a law.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *February 21, 1887.*

I herewith return without approval Senate bill No. 1768, entitled "An act granting a pension to John D. Fincher."

The beneficiary named in this bill enlisted August 6, 1862, and was discharged for disability February 24, 1863.

The surgeon's certificate of disability given at the time of the soldier's discharge recites "general debility, which will disable him from performing the duties of a soldier for a good period of time. The disease was contracted by exposure and fatigue while performing the duties of a soldier."

The claimant filed his application for pension in September, 1882, nearly twenty years after his discharge, alleging that in November, 1862, he was attacked with bilious fever, followed by chronic diarrhea and lung trouble.

In support of his application an affidavit of a comrade was filed, setting forth the fact that the claimant was taken sick, as he alleged, in the fall of 1862, and that he was sent to the hospital on that account. The affidavit further expresses the belief that the claimant still suffers from the effects of his sickness and exposure.

So far as I am informed, and so far as the committee's report discloses, this is the only proof furnished of any continuance of disability at the time of filing the application for pension, and this proof, if it may be so regarded, is the mere expression of an opinion or belief, not necessarily based upon any personal knowledge, and which might have been honestly expressed if derived from representations of the claimant himself.

In this condition of the case the claimant was examined by a surgeon in 1882, whose report seems to negative all ailments except as one may be found in the fact alleged therein that he had pneumonia in 1868, and that there might be some pleuritic adhesions, plainly inferring that if such adhesions existed they were the result of the sickness to which he refers.

In February, 1885, the claimant was again examined by a board of surgeons. This examination seems to have been very carefully and thoroughly made, and as a result of the same the board reported that there was no disability. On this ground the claim was rejected.

There is no doubt as to the sickness of the claimant during his service and his disability at the time of his discharge, but unless the report of the board of surgeons is to be impeached without apparent reason there is as little doubt of the claimant's complete recovery.

No case has been presented to me in which the evidence afforded of a continuance of disability seems so inconclusive. In these circumstances the report of the board of surgeons appears to be upon the evidence before me almost uncontradicted.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 23, 1887.*

To the House of Representatives:

I herewith return without approval House bill No. 7327, entitled "An act granting a pension to Anthony McRobertson."

The beneficiary named in this bill was badly wounded in a battle which occurred about the 17th day of November, 1863.

He applied for pension in 1874, and the same was granted in November, 1886, to date from the time of his disability, November 17, 1863.

He is now receiving the highest rate allowed under the general law for cases such as his, and he would be entitled to no more under the special act.

It could not, therefore, by any possibility be of the least benefit to him, but, on the other hand, might jeopardize his advantages already gained.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 23, 1887.*

To the House of Representatives:

I herewith return without approval House bill No. 8002, entitled "An act to increase the pension of Loren Burritt."

The beneficiary named in this bill enlisted in October, 1863, and in December of that year was mustered in as major of the Eighth Regiment United States Colored Troops; was promoted to lieutenant-colonel and very badly wounded in February, 1864, and was mustered out with his regiment November 10, 1865.

His condition at the present time is most pitiable, and his helplessness is such that he needs the constant care and assistance of others. He was obliged to give up business about the year 1873.

In 1866 he was pensioned for his wound, which was in the right leg; and such pension has been increased from time to time until he is now in the receipt of $72 per month, the highest pension allowed under general laws. This rate was awarded him under a law passed in 1880, increasing from $50 to $72 per month the pensions of those who were rendered permanently and totally helpless, so that they required the regular and personal attendance of another.

On the 30th day of June, 1886, there were 1,009 persons on the rolls receiving this rate of pension.

This bill was reported upon adversely by the House Committee on Pensions, and they, while fully acknowledging the distressing circumstances surrounding the case, felt constrained to adverse action on the ground, as stated in the language of their report, that "there are many cases just as helpless and requiring as much attention as this one, and were the relief asked for granted in this instance it might reasonably be looked for in all."

No man can check, if he would, the feeling of sympathy and pity aroused by the contemplation of utter helplessness as the result of patriotic and faithful military service; but in the midst of all this I can not put out of mind the soldiers in this condition who were privates in the ranks, who sustained the utmost hardships of war, but who, because they

were privates and in the humble walks of life, are not so apt to share in special favors of Congressional action. I find no reason why this beneficiary should be singled out from his class, except it be that he was a lieutenant-colonel instead of a private.

I am aware of a precedent for the legislation proposed, which is furnished by an enactment of the last session of Congress, to which I assented, as I think improvidently; but I am certain that exact equality and fairness in the treatment of our veterans is, after all, more just, beneficent, and useful than unfair discrimination in favor of officers or the special benefit born of sympathy in individual cases.

I am constrained, therefore, to agree with the House Committee on Pensions in their views of this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 23, 1887.*

To the House of Representatives:

I herewith return without approval House bill No. 10082, entitled "An act to increase the pension of Margaret R. Jones."

The beneficiary mentioned in this bill is now receiving the highest rate of pension allowed in cases such as hers under the general law.

All the information which is available to me fails to furnish any reason why this pension should be specially increased, except the general statement in the claimant's petition that she is in necessitous circumstances and that the rate now allowed her is insufficient for her support.

The further statement in the petition that her husband's death "was caused prematurely by his endeavor to comply with unusual, disrespectful, and indefinite orders" to go to League Island Navy-Yard certainly does not in all its bearings furnish conclusive proof that his widow's pension should be increased beyond that furnished others in her situation.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 23, 1887.*

To the House of Representatives:

I return without approval House bill No. 5877, entitled "An act for the relief of William H. Morhiser."

This beneficiary, though apparently not regularly enlisted in the military service of the country during the time covered by this bill for his relief, performed military duty, was captured and imprisoned. No technicality should be interposed in considering this bill to prevent the receipt by him of the same pay and allowances awarded under like circumstances to soldiers regularly enlisted.

But this bill proposes to appropriate for the benefit of this claimant such sum as pay and allowances as would be allowed a private of cavalry from November 30, 1863, to January 1, 1865. It appears from the

records of the War Department that he has already been paid for at least two months of that time.

The bill also provides that there shall also be allowed to the claimant such additional pay and allowances, as commutation of rations and so forth, as were allowed prisoners of war, from July 30, 1864, to January 1, 1865. The records disclose the fact that he has been allowed commutation of rations from July 30, 1864, to December 11, 1864.

As the purpose of this bill, as gathered from the report of the committee to whom it was referred, appears to be to secure for the claimant therein named compensation "at the rate at which other soldiers in the same situation were paid," and as he seems already to have received a considerable part of the compensation provided for in the bill, I am led to suppose that a mistake has been made in framing the same.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 24, 1887.*

To the House of Representatives:

I herewith return without approval House bill No. 7648, entitled "An act for the relief of the estate of the late John How, Indian agent, and his sureties."

John How was appointed Indian agent in July, 1878, and upon such appointment gave a bond to the Government in the penal sum of $10,000 conditioned for the faithful performance of his duties as such agent and to protect the Government from loss by mismanagement or malfeasance in his official conduct. The parties named in the bill were his sureties on said bond.

On the 23d day of December, 1881, upon a report of inspectors connected with the Indian Bureau suggesting frauds and mismanagement in the conduct of this agency, Mr. How was suspended from his office, which suspension was approved by the President in January, 1882.

After such suspension the accounts of the agent were examined and various explanations offered by him in relation thereto. It is stated, however, in a report from the Indian Office now before me, that such explanations were deemed by that office sufficient to remove only a small part of the items in the accounts which were questioned. The matter was thereupon referred to the Treasury Department for further examination and adjustment.

The Second Comptroller reports that the final settlement of this agent's accounts was pending before the accounting officers for upward of eighteen months, affording ample opportunity for any explanation which might be deemed necessary and proper, and that on the 21st day of July, 1885, a final adjustment was made of the said accounts, by which a sum very much in excess of the penalty of his bond was found due from said agent to the Government.

A suit was afterwards instituted against the agent and his sureties to recover the amount thus found due, so far as the bond covered the same. This suit is still pending.

The object of the bill now under consideration is to wholly release and discharge these sureties from any liability upon said bond.

It seems to be the opinion of all the officers of the Government who have examined the matter at all that a debt exists in favor of the Government upon this bond. It is reported that a large amount of evidence has been taken, and that in the opinion of these officers the amount due the Government can not be reduced to a less amount than the penalty of the bond.

The Second Comptroller states, as results of examinations made in his office and by the Second Auditor, that it appears that many of the vouchers presented by the agent were fictitious, the persons in whose names they were given testifying that services and supplies therein mentioned were never rendered or furnished; that in other cases parties denied the genuineness of vouchers purporting to be made by them; that a large voucher apparently given for cattle was actually given for money loaned, and that supplies bought with Government funds were appropriated for the agent's personal benefit.

I do not suppose that it was intended by the Congress to entirely relieve these sureties if a condition exists such as is above set out, which results in an indebtedness to the Government. The proposed legislation, judging from the report of the House Committee on Claims, seems rather to proceed upon the theory that no sum is due the Government in the premises.

I think it will hardly be claimed that the patient investigation of the accounting officers should be lightly discredited in this case; and it seems to me that justness to the Government and fairness to the sureties seeking relief will presumably be secured by the further prosecution of the suit already instituted, in which the truth of all matters involved can be thoroughly tested.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *February 25, 1887.*

I herewith return without approval Senate bill No. 1162, entitled "An act for the erection of a post-office building at Lynn, Mass."

The title of this bill sufficiently indicates its purpose.

Congressional action in its favor appears to be based, as usual in such cases, upon representations concerning the population of the town in which it is proposed to erect the building, and the increase in such population, the number of railroad trains arriving and departing daily, and various other items calculated to demonstrate the importance of the city selected for Federal decoration.

These statements are supplemented by a report from the postmaster,

setting forth that his postal receipts are increasing, giving the number of square feet now occupied by his office, the amount of rent paid, and the number of his employees.

This bill, unlike others of its class which seek to provide a place for a number of Federal offices, simply authorizes the construction of a building for the accommodation of the post-office alone.

The report of the postmaster differs also in this case from those which are usually furnished, inasmuch as it is therein distinctly stated that the space now furnished for his office is sufficient for its present operations. He adds, however, that from present indications there will be a large increase in the business of the office during the next ten years.

It is quite apparent that there is no necessity for the expenditure of $100,000, the amount limited in this bill, or any other sum, for the construction of the proposed building to meet the wants of the Government, and for this reason I am constrained to disapprove the proposed legislation.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *February 26, 1887.*

I herewith return without approval Senate bill No. 2045, entitled "An act granting a pension to Mrs. Sarah Hamilton."

Thomas Hamilton, the husband of the beneficiary named in this bill, enlisted September 2, 1862. Upon the records he is reported present to April 30, 1863; deserted May 27, 1863. His name is dropped from subsequent rolls to February 29, 1864, when he is reported as a deserter in arrest. He is not borne upon the rolls for March and April, 1864; for May and June, 1864, he is reported absent in arrest; for July and August, present under arrest; and for September and October, present for duty. He was mustered out with his company May 24, 1865.

He applied for a pension in 1872, alleging that he received an injury to his left leg about February 15, 1863, at St. Louis, by falling from a ladder, causing varicose veins and stiffening of the leg.

He was granted a pension January 29, 1881, to commence May 25, 1865.

He subsequently applied for an increase of pension, claiming that his eyes had become affected as a result of his varicose veins. This application was rejected upon the ground that the disability for which he was pensioned had not increased and that the disease of his eyes was not a result of such disability.

The pensioner died April 22, 1883, twenty years after his alleged injury, of cerebral apoplexy; and a physician states it as his judgment that the varicosed condition of the venous system was primarily the cause of his disabilities and death.

His widow filed an application for pension October 31, 1883, which

was rejected upon the ground that the soldier's death was not the result of his military service.

Notwithstanding the record of the deceased soldier, stained as it is with the charge of desertion, and the entire absence of any record proof of sickness and injury, I should consider myself, in favor of his widow, bound by the act of the Pension Bureau in allowing him a pension, and should cheerfully aid her attempt to procure a pension for herself in her needy condition, if I was not thoroughly convinced that her husband's death had no relation to his military service or any injury for which he was pensioned.

To the ordinary mind it seems impossible that apoplexy could result from such a varicosed condition as is described in this case. I do not understand that the physician who gives a contrary opinion bases his judgment upon actual observation at the time the soldier died. The last medical examination by the Pension Bureau before the soldier's death was in October, 1882, and resulted in the following report of the examining surgeon:

> Weight, 180 pounds; age, 69 years; has varicose veins of left leg, but not to such an extent as to increase the size of the leg or result in marked disability; he is entirely blind in both eyes from glaucoma, which does not in any degree, in my opinion, depend upon the pensioned disability—varicose veins.

It appears that the benefit proposed by this bill can neither be properly regarded as a gratuity, based upon the honorable service and record of the soldier, nor predicated on his death resulting from a disability incurred in such service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 26, 1887.*

To the Senate:

I herewith return without approval Senate bill No. 2210, entitled "An act granting a pension to Anna Wright."

The beneficiary named in this bill was granted a pension on the 17th day of November, 1886, dating from May 25, 1863, and is now under the general law receiving precisely the pension which she would receive under the bill herewith returned if the same should be approved.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 26, 1887.

To the House of Representatives:

I herewith return without approval House bill No. 6976, entitled "An act to erect a public building at Portsmouth, Ohio."

It is represented in support of this bill that Portsmouth by its last census had a population of 11,321, and that it contains at present not less than 15,000 inhabitants; that it is a place of considerable manufacturing

and commercial importance, and that there is no public building for the transaction of the business of the General Government nearer than Columbus or Cincinnati, both about 100 miles distant.

It is further stated in a communication from the promoter of this bill that—

> There is not a Federal public building in the State of Ohio east of the line drawn on the accompanying map from Cleveland through Columbus to Cincinnati; and when wealth and population and the needs of the public service are considered, the distribution of public buildings in the State is an unfair one.

Here is disclosed a theory of expenditure for public buildings which I can hardly think should be adopted. If an application for the erection of such a building is to be determined by the distance between its proposed location and another public building, or upon the allegation that a certain division of a State is without a Government building, or that the distribution of these buildings in a particular State is unfair, we shall rapidly be led to an entire disregard of the considerations of necessity and public need which it seems to me should alone justify the expenditure of public funds for such a purpose.

The care and protection which the Government owes to the people do not embrace the grant of public buildings to decorate thriving and prosperous cities and villages, nor should such buildings be erected upon any principle of fair distribution among localities.

The Government is not an almoner of gifts among the people, but an instrumentality by which the people's affairs should be conducted upon business principles, regulated by the public needs.

Applying these principles to the case embraced in the bill under consideration, we find that at Portsmouth there is a post-office and an internal-revenue collector's office for which the Government should provide.

It is represented that the quarters now furnished for these offices are inadequate and that more spacious rooms are desirable. In the post-office there are six employees, and the collector of internal revenue has five assistants. The annual rent paid for both these offices is $600.

Upon these facts the proposition is to expend $60,000 for a building to accommodate these offices, entailing after its completion quite a large sum annually for its care and superintendence.

Though the sum of $60,000 is the limit fixed for the cost of this building, if it should be completed for this sum it would be an exception to the rule in such cases; and if it is absolutely impossible to do the public business in the quarters now occupied by these offices, which does not appear to be claimed, there can be no difficulty in securing in this enterprising city adequate accommodations at a rent not largely in excess of that at present paid.

Upon the whole it does not appear, as a business proposition, that the building proposed should be undertaken.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 28, 1887.

To the Senate:

I herewith return without approval Senate bill No. 531, entitled "An act to provide for the erection of a public building at Lafayette, Ind."

This bill appropriates $50,000 for the purpose indicated in its title.

It is represented that a deputy internal-revenue collector is located at Lafayette, but no information is furnished that he has an office there which is or ought to be furnished by the Government. It is not claimed that the Federal business at this point requires other accommodation except for the post-office located there.

As usual in such cases, the postmaster reports, in reply to inquiries, that his present quarters are inadequate, and, as usual, it appears that the postal business is increasing. The rent paid for the rooms or building in which the post-office is kept is $1,100 per annum.

I have been informed since this bill has been in my hands that last spring a building was erected at Lafayette with special reference to its use for the post-office, and that a part of it was leased by the Government for that purpose for the term of five years. Upon the faith of such lease the premises thus rented were fitted up and furnished by the owner of the building in a manner especially adapted to postal uses, and an account of such fitting up and furnishing is before me, showing the expense of the same to have been more than $2,500.

In view of such new and recent arrangements made by the Government for the transaction of its postal business at this place, it seems that the proposed expenditure for the erection of a building for that purpose is hardly necessary or justifiable.

GROVER CLEVELAND.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory proof has been given to me by the Government of the Netherlands that no light-house and light dues, tonnage dues, or beacon and buoy dues are imposed in the ports of the Kingdom of the Netherlands; that no other equivalent tax of any kind is imposed upon vessels in said ports, under whatever flag they may sail; that vessels belonging to the United States of America and their cargoes are not required in the Netherlands to pay any fee or due of any kind or nature, or any import due higher or other than is payable by vessels of the Netherlands or their cargoes; that no export duties are imposed in the Netherlands: and that in the free ports of the Dutch East Indies, to wit, Riouw (in the island of Riouw), Pabean, Sangrit, Loloan. and

Tamboekoes (in the island of Bali), Koepang (in the island of Timor), Makassar, Menado, Kema, and Gorontalo (in the island of Celebes), Amboina, Saparoa, Banda, Ternate, and Kajeli (in the Moluccas), Olehleh and Bengkalis (in the island of Sumatra), vessels are subjected to no fiscal tax, and no import or export duties are there levied:

Now, therefore, I, Grover Cleveland, President of the United States of America, by virtue of the authority vested in me by section 11 of the act of Congress entitled "An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," approved June 19, 1886, do hereby declare and proclaim that from and after the date of this my proclamation shall be suspended the collection of the whole of the duty of 6 cents per ton, not to exceed 30 cents per ton per annum (which is imposed by said section of said act), upon vessels entered in the ports of the United States from any of the ports of the Kingdom of the Netherlands in Europe, or from any of the above-named free ports of the Dutch East Indies.

Provided, That there shall be excluded from the benefits of the suspension hereby declared and proclaimed the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels of such foreign country or their cargoes, or of the fees, dues, or duties imposed on the vessels of the country in which are the ports mentioned in this proclamation, or the cargoes of such vessels.

And the suspension hereby declared and proclaimed shall continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued in the said ports of the Kingdom of the Netherlands in Europe and the said free ports of the Dutch East Indies, and no longer.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 22d day of April, A. D. 1887, and of the Independence of the United States the one hundred and eleventh.

GROVER CLEVELAND.

By the President:

T. F. BAYARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory proof has been given to me by the Government of Spain that no discriminating duties of tonnage or imposts are imposed or levied in the islands of Cuba, Puerto Rico, and the Philippines, and all countries belonging to the Crown of Spain, upon vessels wholly belong-

ing to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country; and

Whereas notification of such abolition of discriminating duties of tonnage and imposts as aforesaid has been given to me by a memorandum of agreement signed this day at the city of Washington between the Secretary of State of the United States and the envoy extraordinary and minister plenipotentiary of Her Majesty the Queen Regent of Spain accredited to the Government of the United States of America:

Now, therefore, I, Grover Cleveland, President of the United States of America, by virtue of the authority vested in me by section 4228 of the Revised Statutes of the United States, do hereby declare and proclaim that from and after the date of this my proclamation, being also the date of the notification received as aforesaid, the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Spain and the produce, manufactures, or merchandise imported in said vessels into the United States from the islands of Cuba and Puerto Rico, the Philippines, and all other countries belonging to the Crown of Spain, or from any other foreign country; such suspension to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued in the said islands of Cuba and Puerto Rico, and the Philippines, and all other Spanish possessions, and no longer.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington this 21st day of September, A. D. 1887, and of the Independence of the United States the one hundred and twelfth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD, *Secretary of State.*

A PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES.

The goodness and the mercy of God, which have followed the American people during all the days of the past year, claim their grateful recognition and humble acknowledgment. By His omnipotent power He has protected us from war and pestilence and from every national calamity; by His gracious favor the earth has yielded a generous return to the labor of the husbandman, and every path of honest toil has led to comfort and contentment; by His loving kindness the hearts of our people have been replenished with fraternal sentiment and patriotic endeavor, and by His unerring guidance we have been directed in the way of national prosperity.

To the end that we may with one accord testify our gratitude for all these blessings, I, Grover Cleveland, President of the United States, do hereby designate and set apart Thursday, the 24th day of November next, as a day of thanksgiving and prayer, to be observed by all the people of the land.

On that day let all secular work and employment be suspended, and let our people assemble in their accustomed places of worship and with prayer and songs of praise give thanks to our Heavenly Father for all that He has done for us, while we humbly implore the forgiveness of our sins and a continuance of His mercy.

Let families and kindred be reunited on that day, and let their hearts, filled with kindly cheer and affectionate reminiscence, be turned in thankfulness to the source of all their pleasures and the giver of all that makes the day glad and joyous.

And in the midst of our worship and our happiness let us remember the poor, the needy, and the unfortunate, and by our gifts of charity and ready benevolence let us increase the number of those who with grateful hearts shall join in our thanksgiving.

In witness whereof I have set my hand and caused the seal of the United States to be hereunto affixed.

[SEAL.] Done at the city of Washington, this 25th day of October, A. D. 1887, and of the Independence of the United States the one hundred and twelfth.

GROVER CLEVELAND.

By the President.

T. F. BAYARD, *Secretary of State.*

EXECUTIVE ORDERS.

JANUARY 4, 1887.

In the exercise of the power vested in the President by the Constitution, and by virtue of the seventeen hundred and fifty-third section of the Revised Statutes and of the civil-service act approved January 16, 1883, the following regulations governing promotions in the customs service at the city of New York are hereby approved and promulgated:

REGULATION I.

The board of examiners at the New York customs district may at any time, with the approval of the Civil Service Commission, order an examination for promotion, and at least five days before the examination is to take place shall cause a notice to be posted conspicuously in the office for which such examination is to be held, and shall state in said notice the class or classes to test fitness for promotion to which the examination is to be held and the time and place of examination. Promotions shall be from class to class, and the examination of persons in one class shall be to test their fitness for promotion to the next higher class: *Provided, however*, That if in any examination for promotion the competitors in the next lower class shall not

exceed three in number, the board may, at its discretion, open the competition to one or more of the classes below the class in which there are not more than three competitors. All persons in the class immediately below the class for which promotions are to be made, and who have been in said class at least six months, must be examined for promotion.

REGULATION 2.

The examination must be held upon such subjects as in the opinion of the board of examiners, with the approval of the Commission, the general nature of the business of the office and the special nature of the positions to be filled may require. In grading the competitors due weight must be given to the efficiency with which the several competitors shall have performed their duties in the office; but none who shall fail to attain a minimum standard of 75 per cent in the written examination shall be certified for promotion.

REGULATION 3.

The whole list of eligibles from which the promotion is to be made shall be certified to the nominating officer.

REGULATION 4.

Any person employed in any of the offices to which these regulations apply may be transferred without examination, after service of six months consecutively since January 16, 1883, from one office to a class no higher in another office, upon certification by the board of examiners that he has passed an examination for the class in which he is doing duty, and with the consent of the heads of the respective offices and the approval of the Secretary of the Treasury.

REGULATION 5.

The Civil Service Commission may at any time amend these regulations or substitute other regulations therefor.

The foregoing regulations are adopted and approved.

GROVER CLEVELAND.

In the exercise of the power vested in the President by the Constitution, and by virtue of the seventeen hundred and fifty-third section of the Revised Statutes and of the civil-service act approved January 16, 1883, the following rule for the regulation and improvement of the executive civil service is hereby amended and promulgated, as follows:

RULE IV.

1. The Civil Service Commission shall have authority to appoint the following-named boards of civil-service examiners:

The central board.—This board shall be composed of seven members, who shall be detailed from the Departments in which they may be serving at the time of appointment for continuous service at the office of the Civil Service Commission. Under the supervision of the Commission, the central board shall examine and mark the papers of all examinations for entrance to the departmental service, and also such of the papers of examinations for entrance to either the customs or the postal service as shall be submitted to it by the Commission. The Commission shall have authority to require any customs or postal board to send the papers of any examination conducted by said board to be examined and marked by the central board. The persons composing this board shall be in the departmental service.

Special boards.—These boards shall mark the papers of special examinations for the classified departmental service, and shall be composed of persons in the public service.

Supplementary boards.—These boards shall mark the papers of supplementary examinations for the classified departmental service, and shall be composed of persons in the public service.

Local departmental boards.—These boards shall be organized at one or more places in each State and Territory where examinations for the departmental service are to be held, and shall each be composed of persons in the public service residing in the State or Territory in which the board is to act.

Customs boards.—One for each classified customs district, to be composed of persons in the customs service in the district for which the board is to act. These boards shall conduct examinations for entrance to and promotion in the classified customs service.

Postal boards.—One for each classified post-office, to be composed of persons in the postal service at the post-office for which said board is to act. These boards shall conduct examinations for entrance to and promotions in the postal service.

2. No person shall be appointed a member of any board of examiners named herein until after consultation by the Civil Service Commission with the head of the Department or office in which the person whom it desires to appoint is serving.

3. It shall be the duty of the head of any classified customs office or classified post-office to promptly inform the Civil Service Commission, in writing, of the removal or resignation from the public service, or of the death, of any member of a board of examiners appointed from his office; and upon request of the Commission such officer shall state to the Commission which of the persons employed in his office he regards as most competent to fill the vacancy thus occasioned, or any vacancy which may otherwise occur; and in making this statement the officer shall mention generally the qualifications of each of the persons named therein by him.

4. The duties of a member of a special, supplementary, local, departmental, customs, or postal board of examiners shall be regarded as a part of the public duties of such examiner, and each examiner shall be allowed time during office hours to perform the duties required of him.

5. The Civil Service Commission shall have authority to adopt regulations which shall (1) prescribe the manner of organizing the several boards of civil-service examiners herein named, (2) more particularly state the powers of each of said boards, and (3) specifically define the duties of the members thereof.

6. The Civil Service Commission shall have authority to change at any time the membership of any of the above-named boards of civil-service examiners.

Approved, January 15, 1887. GROVER CLEVELAND.

Regulations for the Distribution of Arms, Ordnance Stores, Quartermaster's Stores, and Camp Equipage to the Territories and the District of Columbia, Prescribed by the President of the United States in Conformity with the Second Section of the Act Entitled "An Act to Amend Section 1661, Revised Statutes, Making an Annual Appropriation to Provide Arms and Equipments for the Militia."

Executive Mansion, *April 22, 1887.*

1. Each Territory shall, if included within the provisions of said act, annually receive arms, ordnance stores, quartermaster's stores, and camp equipage equivalent to the quota of a State having the least representation in Congress, and the District of Columbia shall annually receive

arms, ordnance stores, quartermaster's stores, and camp equipage not exceeding double the quota of a State having the least representation in Congress.

2. Arms, ordnance stores, quartermaster's stores, and camp equipage shall be issued to the Territories on requisitions of the governors thereof and to the District of Columbia on requisitions approved by the senior general of the District Militia present for duty. Returns shall be made annually by the senior general of the District Militia in the manner as required by sections 3 and 4 of the act above referred to in the case of States and Territories.

3. It is forbidden to make issues to States and Territories in excess of the amount to their credit under the provisions of section 1161, Revised Statutes, as amended by the above act.

4. The regulations established by President Pierce April 30, 1855, under the act approved March 30, 1855, are hereby revoked.

GROVER CLEVELAND.

In the exercise of the power vested in the President by the Constitution, and by virtue of the seventeen hundred and fifty-third section of the Revised Statutes and of the civil-service act approved January 16, 1883, Rules IV, VI, XIX, XXI of the rules for the regulation and improvement of the executive civil service are hereby amended and promulgated as follows:

RULE IV.

1. The Commission may appoint boards of examiners as follows:

The central board.—A board composed of seven members, who shall be detailed from the Departments in which they are serving when appointed for continuous service at the office of the Commission. This board shall mark such papers of examinations for admission to the departmental, customs, and postal services as the Commission may direct.

Departmental special boards.—These boards shall mark such papers of special examinations for the departmental service as the Commission may direct, and shall be composed of persons in the public service.

Departmental supplementary boards.—These boards shall mark the papers of such supplementary examinations for the departmental service as the Commission may direct, and shall be composed of persons in the public service.

Departmental promotion boards.—One for each of the Executive Departments, of three members, and one auxiliary member for each bureau of the Department for which the board is to act.

Departmental local boards.—These boards shall be organized at one or more places in each State and Territory where examinations for the departmental service are to be held, and shall each be composed of persons in the public service residing in the State or Territory in which the board is to act.

Customs boards.—One for each classified customs district, to be composed of persons in the customs service in the district for which said board is to act. These boards shall conduct examinations for entrance to and promotions in the classified customs service, and shall mark such of the examination papers for that service as the Commission shall direct. They shall also conduct such departmental examinations as the Commission may direct.

Postal boards.—One for each classified post-office, to be composed of persons in the postal service at the post-office in which said board is to act. These boards shall conduct examinations for entrance to and promotions in the postal service, and shall mark such of the examination papers for that service as the Commission may direct. They shall also conduct such departmental examinations as the Commission may direct.

2. No person shall be appointed an examiner until after consultation by the Commission with the head of the Department or office in which the person whom it desires to appoint is serving.

3. It shall be the duty of the head of any classified customs office or post-office to promptly give written information to the Commission of the removal or resignation from the public service, or of the inability or refusal to act, of any examiner in his office; and on request of the Commission such officer shall state which of the persons in his office he regards as most competent to fill the vacancy, and shall mention generally the qualifications of each person named by him.

4. The duties of an examiner shall be regarded as a part of his public duties, and each examiner shall be allowed time during office hours to perform the duties required of him.

5. The Commission may adopt regulations which shall prescribe (1) the manner of organizing the boards of examiners, (2) the powers of each board, and (3) the duties of the members thereof.

6. The Commission may create additional boards of examiners and may change the membership of any board; and boards of examiners shall perform such other appropriate duties as the Commission may impose upon them.

RULE VI.

1. There shall be open competitive examinations for testing the fitness of applicants for admission to the service. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the branch of the service which they seek to enter.

2. And for the purpose of establishing in the classified service the principle of compulsory competitive examination for promotion there shall be, so far as practicable and useful, such examinations of a suitable character to test the fitness of persons for promotion in the service, and the Commission may make regulations applying them to any classified Department, customs office, or post-office, under which regulations examinations for promotion shall be conducted and all promotions made; but until regulations made by the Commission in accordance herewith have been applied to a classified Department, customs office, or post-office, promotions therein may be made upon any test of fitness determined upon by the promoting officer. And in any classified Department, customs office, or post-office in which promotions are made under examinations as herein provided the Commission may, in special session, if the exigencies of the service require such action, provide noncompetitive examinations for promotion.

RULE XIX.

There are excepted from examination the following: (1) The confidential clerk or secretary of any head of a Department or office; (2) cashiers of collectors; (3) cashiers of postmasters; (4) superintendents of money-order divisions in post-offices; (5) the direct custodians of money for whose fidelity another officer is under official bond, and disbursing officers having the custody of money, who give bonds; but these exceptions shall not extend to any official below the grade of assistant cashier or teller; (6) persons employed exclusively in the secret service of the Government, or as translators or interpreters or stenographers; (7) persons whose employment is exclusively

professional, but medical examiners are not included among such persons; (8) chief clerks, deputy collectors, deputy naval officers, deputy surveyors of customs, and superintendents or chiefs of divisions or bureaus. But no person so excepted shall be either transferred, appointed, or promoted, unless to some excepted place, without an examination under the Commission, which examination shall not take place within six months after entering the service.

RULE XXI.

1. No person, unless excepted under Rule XIX, shall be admitted into the classified civil service from any place not within said service without an examination and certification under the rules, with this exception, that any person who shall have been an officer for one year or more last preceding in any Department or office in a grade above the classified service thereof may be transferred or appointed to any place in the service of the same without examination.

2. No person who has passed only a limited examination under clause 4 of Rule VII for the lower classes or grades in the departmental or customs service shall be appointed or be promoted within two years after appointment to any position giving a salary of $1,000 or upward without first passing an examination under clause 1 of said rule; and such examination shall not be allowed within the first year after appointment.

3. But a person who has passed the examination under said clause 1 and has accepted a position giving a salary of $900 or less shall have the same right of promotion as if originally appointed to a position giving a salary of $1,000 or more.

4. The Commission may at any time certify for a $900 or any lower place in the classified service any person upon the register who has passed the examination under clause 1 of Rule VII, if such person does not object before such certification is made.

5. The provisions of this rule relating to promotions shall cease to be operative in any classified Department, customs office, or post-office when regulations for promotions have been applied thereto by the Commission under the authority conferred by clause 2 of Rule VI.

Approved, May 5, 1887.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 9, 1887.

The executive offices and Departments at the seat of Government, including the public printing establishment, will be closed at noon on Thursday, the 12th instant, to enable persons employed therein to attend the exercises at the unveiling of the statue of the late President Garfield.

And employees in such offices and Departments who desire to accompany any organization to which they belong in the parade or other exercises preceding on that day the unveiling ceremonies may, by permission of the heads of their respective offices or Departments, also be granted such leave of absence as may be necessary for that purpose.

Members of the Society of the Army of the Cumberland desiring to attend any meeting of such society on Wednesday, the 11th instant, may, by special permission of the respective heads of Departments and offices, be excused from duty during the hours on that day as said meetings may be held.

GROVER CLEVELAND.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 30, 1887.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

SIR: I have the honor to state that there are now in this office, stored in one of the attic rooms of the building, a number of Union flags captured in action, but recovered on the fall of the Confederacy and forwarded to the War Department for safe-keeping. together with a number of Confederate flags which the fortunes of war placed in our hands during the late Civil War.

While in the past favorable action has been taken on applications properly supported for the return of Union flags to organizations representing survivors of the military regiments in the service of the Government, I beg to submit that it would be a graceful act to anticipate future requests of this nature, and venture to suggest the propriety of returning all the flags (Union and Confederate) to the authorities of the respective States in which the regiments which bore these colors were organized, for such final disposition as they may determine.

While in all the civilized nations of the world trophies taken in war against foreign enemies have been carefully preserved and exhibited as proud mementos of the nation's military glories, wise and obvious reasons have always excepted from the rule evidences of past internecine troubles which by appeals to the arbitrament of the sword have disturbed the peaceful march of a people to its destiny.

Over twenty years have elapsed since the termination of the late Civil War. Many of the prominent leaders, civil and military, of the late Confederate States are now honored representatives of the people in the national councils, or in other eminent positions lend the aid of their talents to the wise administration of affairs of the whole country; and the people of the several States composing the Union are now united, treading the broader road to a glorious future.

Impressed with these views, I have the honor to submit the suggestion made in this letter for the careful consideration it will receive at your hands.

Very truly, yours,

R. C. DRUM,
Adjutant-General.

[Indorsement.]

WAR DEPARTMENT, *May 26, 1887.*

The within recommendation approved by the President, and the Adjutant-General will prepare letters to governors of those States whose troops carried the colors and flags now in this Department, with the offer to return them as herein proposed. The history of each flag and the circumstances of its capture or recapture should be given.

WILLIAM C. ENDICOTT,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 7, 1887.

Honorable GOVERNOR OF ———.

SIR: The President of the United States having approved the recommendation that all the flags in the custody of the War Department be returned to the authorities of the respective States in which the regiments which bore them were organized, for such final disposition as they may determine, I am instructed by the honorable Secretary of War to make you, in the name of the War Department, a tender of the flags now in this office belonging to the late volunteer organizations of the State of ———.

In discharging this pleasant duty I beg you will please advise me of your wishes

in this matter. It is the intention in returning each flag to give its history as far as it is possible to do so, stating the circumstances of its capture and recovery.

I have the honor to be, very respectfully, your obedient servant,

R. C. DRUM, *Adjutant-General.*

EXECUTIVE MANSION,
Washington, June 16, 1887.

The SECRETARY OF WAR:

I have to-day considered with more care than when the subject was orally presented me the action of your Department directing letters to be addressed to the governors of all the States offering to return, if desired, to the loyal States the Union flags captured in the War of the Rebellion by the Confederate forces and afterwards recovered by Government troops, and to the Confederate States the flags captured by the Union forces, all of which for many years have been packed in boxes and stored in the cellar and attic of the War Department.

I am of the opinion that the return of these flags in the manner thus contemplated is not authorized by existing law nor justified as an executive act.

I request, therefore, that no further steps be taken in the matter except to examine and inventory these flags and adopt proper measures for their preservation. Any direction as to the final disposition of them should originate with Congress.

Yours, truly,

GROVER CLEVELAND.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June —, 1887.

Hon. ——— ———,
Governor of ———.

SIR: Referring to the letter from this office dated June —, 1887, on the subject of the return to the respective States of the flags now in the custody of the War Department, I am instructed by the Secretary of War to inform you of the withdrawal of the offer made therein, as on a more careful consideration of the legal points involved in the proposed action the President of the United States is of the opinion that the return of these flags is not authorized by existing law nor justified as an executive act, and that any direction as to their final disposition should originate with Congress.

I have the honor to be, very respectfully, your obedient servant,

——— ———, *Adjutant-General.*

EXECUTIVE MANSION,
Washington, August 25, 1887.

It appearing to me that the promoters of the International Military Encampment to be held in Chicago in October proximo, in commemoration of the fiftieth anniversary of the settlement of that city, have extended to the militia organizations of foreign countries, in behalf of the citizen soldiers of the State of Illinois, an invitation to take part in said encampment as the guests of the city of Chicago, and that representatives of the

soldiery of certain foreign countries have accepted such invitation and are about to arrive in the United States:

I hereby direct the Secretary of the Treasury to instruct the collectors of customs at the several ports of entry that upon being satisfied that such visitors come as guests, in pursuance of the aforesaid invitation, they shall permit the entrance of such foreign soldiers into the United States, with their personal baggage, uniforms, arms, and equipments, without payment of customs duties thereon, and without other formality than such as may be necessary to insure the reexportation of said uniforms, baggage, arms, and equipments.

GROVER CLEVELAND.

DEPARTMENT OF STATE,
Washington, October 24, 1887.

By direction of the President the undersigned is charged with the sad duty of announcing the death, on the 22d instant, at 4 o'clock p. m., at his residence, Chicago, Ill., of Elihu B. Washburne, an illustrious citizen, formerly Secretary of State of the United States.

Mr. Washburne rendered great service to the people of the United States in many and important capacities. As a Representative from the State of Illinois in the National Legislature, and subsequently as envoy extraordinary and minister plenipotentiary of the United States to France, his career was marked by eminent usefulness, in which abilities of a high order were applied with unsparing devotion and fidelity in the performance of the trusts of public power.

His private life was unstained, his public service unquestionably great, and his memory will be cherished with affection and respect by his grateful countrymen.

On the day of his funeral this Department will be closed for all public business, and be draped in mourning for ten days thereafter.

The diplomatic and consular officers of the United States in foreign countries will be directed to make proper expression of the public sorrow experienced by the death of Mr. Washburne.

T. F. BAYARD, *Secretary of State.*

THIRD ANNUAL MESSAGE.

WASHINGTON, *December 6, 1887.*

To the Congress of the United States:

You are confronted at the threshold of your legislative duties with a condition of the national finances which imperatively demands immediate and careful consideration.

The amount of money annually exacted, through the operation of

present laws, from the industries and necessities of the people largely exceeds the sum necessary to meet the expenses of the Government.

When we consider that the theory of our institutions guarantees to every citizen the full enjoyment of all the fruits of his industry and enterprise, with only such deduction as may be his share toward the careful and economical maintenance of the Government which protects him, it is plain that the exaction of more than this is indefensible extortion and a culpable betrayal of American fairness and justice. This wrong inflicted upon those who bear the burden of national taxation, like other wrongs, multiplies a brood of evil consequences. The public Treasury, which should only exist as a conduit conveying the people's tribute to its legitimate objects of expenditure, becomes a hoarding place for money needlessly withdrawn from trade and the people's use, thus crippling our national energies, suspending our country's development, preventing investment in productive enterprise, threatening financial disturbance, and inviting schemes of public plunder.

This condition of our Treasury is not altogether new, and it has more than once of late been submitted to the people's representatives in the Congress, who alone can apply a remedy. And yet the situation still continues, with aggravated incidents, more than ever presaging financial convulsion and widespread disaster.

It will not do to neglect this situation because its dangers are not now palpably imminent and apparent. They exist none the less certainly, and await the unforeseen and unexpected occasion when suddenly they will be precipitated upon us.

On the 30th day of June, 1885, the excess of revenues over public expenditures, after complying with the annual requirement of the sinking-fund act, was $17,859,735.84; during the year ended June 30, 1886, such excess amounted to $49,405,545.20, and during the year ended June 30, 1887, it reached the sum of $55,567,849.54.

The annual contributions to the sinking fund during the three years above specified, amounting in the aggregate to $138,058,320.94, and deducted from the surplus as stated, were made by calling in for that purpose outstanding 3 per cent bonds of the Government. During the six months prior to June 30, 1887, the surplus revenue had grown so large by repeated accumulations, and it was feared the withdrawal of this great sum of money needed by the people would so affect the business of the country, that the sum of $79,864,100 of such surplus was applied to the payment of the principal and interest of the 3 per cent bonds still outstanding, and which were then payable at the option of the Government. The precarious condition of financial affairs among the people still needing relief, immediately after the 30th day of June, 1887, the remainder of the 3 per cent bonds then outstanding, amounting with principal and interest to the sum of $18,877,500, were called in and applied to the sinking-fund contribution for the current fiscal year. Notwithstanding these

operations of the Treasury Department, representations of distress in business circles not only continued, but increased, and absolute peril seemed at hand. In these circumstances the contribution to the sinking fund for the current fiscal year was at once completed by the expenditure of $27,684,283.55 in the purchase of Government bonds not yet due bearing 4 and 4½ per cent interest, the premium paid thereon averaging about 24 per cent for the former and 8 per cent for the latter. In addition to this, the interest accruing during the current year upon the outstanding bonded indebtedness of the Government was to some extent anticipated, and banks selected as depositories of public money were permitted to somewhat increase their deposits.

While the expedients thus employed to release to the people the money lying idle in the Treasury served to avert immediate danger, our surplus revenues have continued to accumulate, the excess for the present year amounting on the 1st day of December to $55,258,701.19, and estimated to reach the sum of $113,000,000 on the 30th of June next, at which date it is expected that this sum, added to prior accumulations, will swell the surplus in the Treasury to $140,000,000.

There seems to be no assurance that, with such a withdrawal from use of the people's circulating medium, our business community may not in the near future be subjected to the same distress which was quite lately produced from the same cause. And while the functions of our National Treasury should be few and simple, and while its best condition would be reached, I believe, by its entire disconnection with private business interests, yet when, by a perversion of its purposes, it idly holds money uselessly subtracted from the channels of trade, there seems to be reason for the claim that some legitimate means should be devised by the Government to restore in an emergency, without waste or extravagance, such money to its place among the people.

If such an emergency arises, there now exists no clear and undoubted executive power of relief. Heretofore the redemption of 3 per cent bonds, which were payable at the option of the Government, has afforded a means for the disbursement of the excess of our revenues; but these bonds have all been retired, and there are no bonds outstanding the payment of which we have a right to insist upon. The contribution to the sinking fund which furnishes the occasion for expenditure in the purchase of bonds has been already made for the current year, so that there is no outlet in that direction.

In the present state of legislation the only pretense of any existing executive power to restore at this time any part of our surplus revenues to the people by its expenditure consists in the supposition that the Secretary of the Treasury may enter the market and purchase the bonds of the Government not yet due, at a rate of premium to be agreed upon. The only provision of law from which such a power could be derived is found in an appropriation bill passed a number of years ago, and it is

subject to the suspicion that it was intended as temporary and limited in its application, instead of conferring a continuing discretion and authority. No condition ought to exist which would justify the grant of power to a single official, upon his judgment of its necessity, to withhold from or release to the business of the people, in an unusual manner, money held in the Treasury, and thus affect at his will the financial situation of the country; and if it is deemed wise to lodge in the Secretary of the Treasury the authority in the present juncture to purchase bonds, it should be plainly vested, and provided, as far as possible, with such checks and limitations as will define this official's right and discretion and at the same time relieve him from undue responsibility.

In considering the question of purchasing bonds as a means of restoring to circulation the surplus money accumulating in the Treasury, it should be borne in mind that premiums must of course be paid upon such purchase, that there may be a large part of these bonds held as investments which can not be purchased at any price, and that combinations among holders who are willing to sell may unreasonably enhance the cost of such bonds to the Government.

It has been suggested that the present bonded debt might be refunded at a less rate of interest and the difference between the old and new security paid in cash, thus finding use for the surplus in the Treasury. The success of this plan, it is apparent, must depend upon the volition of the holders of the present bonds; and it is not entirely certain that the inducement which must be offered them would result in more financial benefit to the Government than the purchase of bonds, while the latter proposition would reduce the principal of the debt by actual payment instead of extending it.

The proposition to deposit the money held by the Government in banks throughout the country for use by the people is, it seems to me, exceedingly objectionable in principle, as establishing too close a relationship between the operations of the Government Treasury and the business of the country and too extensive a commingling of their money, thus fostering an unnatural reliance in private business upon public funds. If this scheme should be adopted, it should only be done as a temporary expedient to meet an urgent necessity. Legislative and executive effort should generally be in the opposite direction, and should have a tendency to divorce, as much and as fast as can be safely done, the Treasury Department from private enterprise.

Of course it is not expected that unnecessary and extravagant appropriations will be made for the purpose of avoiding the accumulation of an excess of revenue. Such expenditure, besides the demoralization of all just conceptions of public duty which it entails, stimulates a habit of reckless improvidence not in the least consistent with the mission of our people or the high and beneficent purposes of our Government.

I have deemed it my duty to thus bring to the knowledge of my

countrymen, as well as to the attention of their representatives charged with the responsibility of legislative relief, the gravity of our financial situation. The failure of the Congress heretofore to provide against the dangers which it was quite evident the very nature of the difficulty must necessarily produce caused a condition of financial distress and apprehension since your last adjournment which taxed to the utmost all the authority and expedients within executive control; and these appear now to be exhausted. If disaster results from the continued inaction of Congress, the responsibility must rest where it belongs.

Though the situation thus far considered is fraught with danger which should be fully realized, and though it presents features of wrong to the people as well as peril to the country, it is but a result growing out of a perfectly palpable and apparent cause, constantly reproducing the same alarming circumstances—a congested National Treasury and a depleted monetary condition in the business of the country. It need hardly be stated that while the present situation demands a remedy, we can only be saved from a like predicament in the future by the removal of its cause.

Our scheme of taxation, by means of which this needless surplus is taken from the people and put into the public Treasury, consists of a tariff or duty levied upon importations from abroad and internal-revenue taxes levied upon the consumption of tobacco and spirituous and malt liquors. It must be conceded that none of the things subjected to internal-revenue taxation are, strictly speaking, necessaries. There appears to be no just complaint of this taxation by the consumers of these articles, and there seems to be nothing so well able to bear the burden without hardship to any portion of the people.

But our present tariff laws, the vicious, inequitable, and illogical source of unnecessary taxation, ought to be at once revised and amended. These laws, as their primary and plain effect, raise the price to consumers of all articles imported and subject to duty by precisely the sum paid for such duties. Thus the amount of the duty measures the tax paid by those who purchase for use these imported articles. Many of these things, however, are raised or manufactured in our own country, and the duties now levied upon foreign goods and products are called protection to these home manufactures, because they render it possible for those of our people who are manufacturers to make these taxed articles and sell them for a price equal to that demanded for the imported goods that have paid customs duty. So it happens that while comparatively a few use the imported articles, millions of our people, who never used and never saw any of the foreign products, purchase and use things of the same kind made in this country, and pay therefor nearly or quite the same enhanced price which the duty adds to the imported articles. Those who buy imports pay the duty charged thereon into the public Treasury, but the great majority of our citizens, who buy domestic articles of the same class, pay

a sum at least approximately equal to this duty to the home manufacturer. This reference to the operation of our tariff laws is not made by way of instruction, but in order that we may be constantly reminded of the manner in which they impose a burden upon those who consume domestic products as well as those who consume imported articles, and thus create a tax upon all our people.

It is not proposed to entirely relieve the country of this taxation. It must be extensively continued as the source of the Government's income; and in a readjustment of our tariff the interests of American labor engaged in manufacture should be carefully considered, as well as the preservation of our manufacturers. It may be called protection or by any other name, but relief from the hardships and dangers of our present tariff laws should be devised with especial precaution against imperiling the existence of our manufacturing interests. But this existence should not mean a condition which, without regard to the public welfare or a national exigency, must always insure the realization of immense profits instead of moderately profitable returns. As the volume and diversity of our national activities increase, new recruits are added to those who desire a continuation of the advantages which they conceive the present system of tariff taxation directly affords them. So stubbornly have all efforts to reform the present condition been resisted by those of our fellow-citizens thus engaged that they can hardly complain of the suspicion, entertained to a certain extent, that there exists an organized combination all along the line to maintain their advantage.

We are in the midst of centennial celebrations, and with becoming pride we rejoice in American skill and ingenuity, in American energy and enterprise, and in the wonderful natural advantages and resources developed by a century's national growth. Yet when an attempt is made to justify a scheme which permits a tax to be laid upon every consumer in the land for the benefit of our manufacturers, quite beyond a reasonable demand for governmental regard, it suits the purposes of advocacy to call our manufactures infant industries still needing the highest and greatest degree of favor and fostering care that can be wrung from Federal legislation.

It is also said that the increase in the price of domestic manufactures resulting from the present tariff is necessary in order that higher wages may be paid to our workingmen employed in manufactories than are paid for what is called the pauper labor of Europe. All will acknowledge the force of an argument which involves the welfare and liberal compensation of our laboring people. Our labor is honorable in the eyes of every American citizen; and as it lies at the foundation of our development and progress, it is entitled, without affectation or hypocrisy, to the utmost regard. The standard of our laborers' life should not be measured by that of any other country less favored, and they are entitled to their full share of all our advantages

By the last census it is made to appear that of the 17,392,099 of our population engaged in all kinds of industries 7,670,493 are employed in agriculture, 4,074,238 in professional and personal service (2,934,876 of whom are domestic servants and laborers), while 1,810,256 are employed in trade and transportation and 3,837,112 are classed as employed in manufacturing and mining.

For present purposes, however, the last number given should be considerably reduced. Without attempting to enumerate all, it will be conceded that there should be deducted from those which it includes 375,143 carpenters and joiners, 285,401 milliners, dressmakers, and seamstresses, 172,726 blacksmiths, 133,756 tailors and tailoresses, 102,473 masons, 76,241 butchers, 41,309 bakers, 22,083 plasterers, and 4,891 engaged in manufacturing agricultural implements, amounting in the aggregate to 1,214,023, leaving 2,623,089 persons employed in such manufacturing industries as are claimed to be benefited by a high tariff.

To these the appeal is made to save their employment and maintain their wages by resisting a change. There should be no disposition to answer such suggestions by the allegation that they are in a minority among those who labor, and therefore should forego an advantage in the interest of low prices for the majority. Their compensation, as it may be affected by the operation of tariff laws, should at all times be scrupulously kept in view; and yet with slight reflection they will not overlook the fact that they are consumers with the rest; that they too have their own wants and those of their families to supply from their earnings, and that the price of the necessaries of life, as well as the amount of their wages, will regulate the measure of their welfare and comfort.

But the reduction of taxation demanded should be so measured as not to necessitate or justify either the loss of employment by the workingman or the lessening of his wages; and the profits still remaining to the manufacturer after a necessary readjustment should furnish no excuse for the sacrifice of the interests of his employees, either in their opportunity to work or in the diminution of their compensation. Nor can the worker in manufactures fail to understand that while a high tariff is claimed to be necessary to allow the payment of remunerative wages, it certainly results in a very large increase in the price of nearly all sorts of manufactures, which, in almost countless forms, he needs for the use of himself and his family. He receives at the desk of his employer his wages, and perhaps before he reaches his home is obliged, in a purchase for family use of an article which embraces his own labor, to return in the payment of the increase in price which the tariff permits the hard-earned compensation of many days of toil.

The farmer and the agriculturist, who manufacture nothing, but who pay the increased price which the tariff imposes upon every agricultural implement, upon all he wears, and upon all he uses and owns, except the

increase of his flocks and herds and such things as his husbandry produces from the soil, is invited to aid in maintaining the present situation; and he is told that a high duty on imported wool is necessary for the benefit of those who have sheep to shear, in order that the price of their wool may be increased. They, of course, are not reminded that the farmer who has no sheep is by this scheme obliged, in his purchases of clothing and woolen goods, to pay a tribute to his fellow-farmer as well as to the manufacturer and merchant, nor is any mention made of the fact that the sheep owners themselves and their households must wear clothing and use other articles manufactured from the wool they sell at tariff prices, and thus as consumers must return their share of this increased price to the tradesman.

I think it may be fairly assumed that a large proportion of the sheep owned by the farmers throughout the country are found in small flocks, numbering from twenty-five to fifty. The duty on the grade of imported wool which these sheep yield is 10 cents each pound if of the value of 30 cents or less and 12 cents if of the value of more than 30 cents. If the liberal estimate of 6 pounds be allowed for each fleece, the duty thereon would be 60 or 72 cents; and this may be taken as the utmost enhancement of its price to the farmer by reason of this duty. Eighteen dollars would thus represent the increased price of the wool from twenty-five sheep and $36 that from the wool of fifty sheep; and at present values this addition would amount to about one-third of its price. If upon its sale the farmer receives this or a less tariff profit, the wool leaves his hands charged with precisely that sum, which in all its changes will adhere to it until it reaches the consumer. When manufactured into cloth and other goods and material for use, its cost is not only increased to the extent of the farmer's tariff profit, but a further sum has been added for the benefit of the manufacturer under the operation of other tariff laws. In the meantime the day arrives when the farmer finds it necessary to purchase woolen goods and material to clothe himself and family for the winter. When he faces the tradesman for that purpose, he discovers that he is obliged not only to return in the way of increased prices his tariff profit on the wool he sold, and which then perhaps lies before him in manufactured form, but that he must add a considerable sum thereto to meet a further increase in cost caused by a tariff duty on the manufacture. Thus in the end he is aroused to the fact that he has paid upon a moderate purchase, as a result of the tariff scheme, which when he sold his wool seemed so profitable, an increase in price more than sufficient to sweep away all the tariff profit he received upon the wool he produced and sold.

When the number of farmers engaged in wool raising is compared with all the farmers in the country and the small proportion they bear to our population is considered; when it is made apparent that in the case of a large part of those who own sheep the benefit of the present

tariff on wool is illusory; and, above all, when it must be conceded that the increase of the cost of living caused by such tariff becomes a burden upon those with moderate means and the poor, the employed and unemployed, the sick and well, and the young and old, and that it constitutes a tax which with relentless grasp is fastened upon the clothing of every man, woman, and child in the land, reasons are suggested why the removal or reduction of this duty should be included in a revision of our tariff laws.

In speaking of the increased cost to the consumer of our home manufactures resulting from a duty laid upon imported articles of the same description, the fact is not overlooked that competition among our domestic producers sometimes has the effect of keeping the price of their products below the highest limit allowed by such duty. But it is notorious that this competition is too often strangled by combinations quite prevalent at this time, and frequently called trusts, which have for their object the regulation of the supply and price of commodities made and sold by members of the combination. The people can hardly hope for any consideration in the operation of these selfish schemes.

If, however, in the absence of such combination, a healthy and free competition reduces the price of any particular dutiable article of home production below the limit which it might otherwise reach under our tariff laws, and if with such reduced price its manufacture continues to thrive, it is entirely evident that one thing has been discovered which should be carefully scrutinized in an effort to reduce taxation.

The necessity of combination to maintain the price of any commodity to the tariff point furnishes proof that someone is willing to accept lower prices for such commodity and that such prices are remunerative; and lower prices produced by competition prove the same thing. Thus where either of these conditions exists a case would seem to be presented for an easy reduction of taxation.

The considerations which have been presented touching our tariff laws are intended only to enforce an earnest recommendation that the surplus revenues of the Government be prevented by the reduction of our customs duties, and at the same time to emphasize a suggestion that in accomplishing this purpose we may discharge a double duty to our people by granting to them a measure of relief from tariff taxation in quarters where it is most needed and from sources where it can be most fairly and justly accorded.

Nor can the presentation made of such considerations be with any degree of fairness regarded as evidence of unfriendliness toward our manufacturing interests or of any lack of appreciation of their value and importance.

These interests constitute a leading and most substantial element of our national greatness and furnish the proud proof of our country's progress. But if in the emergency that presses upon us our manufacturers

are asked to surrender something for the public good and to avert disaster, their patriotism, as well as a grateful recognition of advantages already afforded, should lead them to willing cooperation. No demand is made that they shall forego all the benefits of governmental regard; but they can not fail to be admonished of their duty, as well as their enlightened self-interest and safety, when they are reminded of the fact that financial panic and collapse, to which the present condition tends, afford no greater shelter or protection to our manufactures than to other important enterprises. Opportunity for safe, careful, and deliberate reform is now offered; and none of us should be unmindful of a time when an abused and irritated people, heedless of those who have resisted timely and reasonable relief, may insist upon a radical and sweeping rectification of their wrongs.

The difficulty attending a wise and fair revision of our tariff laws is not underestimated. It will require on the part of the Congress great labor and care, and especially a broad and national contemplation of the subject and a patriotic disregard of such local and selfish claims as are unreasonable and reckless of the welfare of the entire country.

Under our present laws more than 4,000 articles are subject to duty. Many of these do not in any way compete with our own manufactures, and many are hardly worth attention as subjects of revenue. A considerable reduction can be made in the aggregate by adding them to the free list. The taxation of luxuries presents no features of hardship; but the necessaries of life used and consumed by all the people, the duty upon which adds to the cost of living in every home, should be greatly cheapened.

The radical reduction of the duties imposed upon raw material used in manufactures, or its free importation, is of course an important factor in any effort to reduce the price of these necessaries. It would not only relieve them from the increased cost caused by the tariff on such material, but the manufactured product being thus cheapened that part of the tariff now laid upon such product, as a compensation to our manufacturers for the present price of raw material, could be accordingly modified. Such reduction or free importation would serve besides to largely reduce the revenue. It is not apparent how such a change can have any injurious effect upon our manufacturers. On the contrary, it would appear to give them a better chance in foreign markets with the manufacturers of other countries, who cheapen their wares by free material. Thus our people might have the opportunity of extending their sales beyond the limits of home consumption, saving them from the depression, interruption in business, and loss caused by a glutted domestic market and affording their employees more certain and steady labor, with its resulting quiet and contentment.

The question thus imperatively presented for solution should be approached in a spirit higher than partisanship and considered in the light of that regard for patriotic duty which should characterize the action of

those intrusted with the weal of a confiding people. But the obligation to declared party policy and principle is not wanting to urge prompt and effective action. Both of the great political parties now represented in the Government have by repeated and authoritative declarations condemned the condition of our laws which permit the collection from the people of unnecessary revenue, and have in the most solemn manner promised its correction; and neither as citizens nor partisans are our countrymen in a mood to condone the deliberate violation of these pledges.

Our progress toward a wise conclusion will not be improved by dwelling upon the theories of protection and free trade. This savors too much of bandying epithets. It is a *condition* which confronts us, not a theory. Relief from this condition may involve a slight reduction of the advantages which we award our home productions, but the entire withdrawal of such advantages should not be contemplated. The question of free trade is absolutely irrelevant, and the persistent claim made in certain quarters that all the efforts to relieve the people from unjust and unnecessary taxation are schemes of so-called free traders is mischievous and far removed from any consideration for the public good.

The simple and plain duty which we owe the people is to reduce taxation to the necessary expenses of an economical operation of the Government and to restore to the business of the country the money which we hold in the Treasury through the perversion of governmental powers. These things can and should be done with safety to all our industries, without danger to the opportunity for remunerative labor which our workingmen need, and with benefit to them and all our people by cheapening their means of subsistence and increasing the measure of their comforts.

The Constitution provides that the President "shall from time to time give to the Congress information of the state of the Union." It has been the custom of the Executive, in compliance with this provision, to annually exhibit to the Congress, at the opening of its session, the general condition of the country, and to detail with some particularity the operations of the different Executive Departments. It would be especially agreeable to follow this course at the present time and to call attention to the valuable accomplishments of these Departments during the last fiscal year; but I am so much impressed with the paramount importance of the subject to which this communication has thus far been devoted that I shall forego the addition of any other topic, and only urge upon your immediate consideration the "state of the Union" as shown in the present condition of our Treasury and our general fiscal situation, upon which every element of our safety and prosperity depends.

The reports of the heads of Departments, which will be submitted, contain full and explicit information touching the transaction of the business intrusted to them and such recommendations relating to legislation in the public interest as they deem advisable. I ask for these reports

and recommendations the deliberate examination and action of the legislative branch of the Government.

There are other subjects not embraced in the departmental reports demanding legislative consideration, and which I should be glad to submit. Some of them, however, have been earnestly presented in previous messages, and as to them I beg leave to repeat prior recommendations.

As the law makes no provision for any report from the Department of State, a brief history of the transactions of that important Department, together with other matters which it may hereafter be deemed essential to commend to the attention of the Congress, may furnish the occasion for a future communication.

GROVER CLEVELAND.

SPECIAL MESSAGES.

EXECUTIVE MANSION,
Washington, December 14, 1887.

To the Senate of the United States:

I transmit herewith, with a view to its ratification, a final protocol, signed at Paris on the 7th day of July, 1887, by the plenipotentiaries of the United States and of the other powers parties to the convention of March 14, 1884, for the protection of submarine cables, fixing the 1st day of May, 1888, as the date on which the said convention of March 14, 1884, shall take effect, provided that those of the contracting Governments that have not adopted the measures provided for by article 12 of the said convention shall have conformed to that stipulation.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 14, 1887.

To the Senate of the United States:

I transmit herewith, with a view to its ratification, a convention between the United States and the Kingdom of the Netherlands for the extradition of criminals, signed at Washington on the 2d day of June, 1887.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 19, 1887.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, in relation to the invitation from Her Britannic Majesty to this Government to participate in the international exhibition which is to be held at Melbourne in 1888 to celebrate the centenary of the founding of New South Wales, the first Australian colony.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 19, 1887.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, in relation to an invitation which has been extended to this Government to appoint a delegate or delegates to the International Exposition of Labor to be held in April, 1888, at Barcelona, Spain, and commend its suggestions to the favorable attention of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 20, 1887.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanied by the report of Mr. Edward Atkinson, of Massachusetts, who was specially designated by me, under the provisions of successive acts of Congress in that behalf, to visit the financial centers of Europe in order to ascertain the feasibility of establishing by international arrangement a fixity of rates between the two precious metals in free coinage of both.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 4, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of 23d ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill to amend section 2148 of the Revised Statutes of the United States, relating to trespasses upon Indian lands.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 4, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of 23d ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill granting a right of way to the Jamestown and Northern Railroad Company through the Devils Lake Indian Reservation, in the Territory of Dakota.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 4, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 22d ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill to amend section 5388 of the Revised Statutes of the United States, relating to timber trespasses upon the public lands, so as to include Indian lands.

GROVER CLEVELAND

EXECUTIVE MANSION, *January 4, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of 27th December, 1887, from the Secretary of the Interior, submitting, with accompanying papers, draft of a bill "to authorize the Secretary of the Interior to fix the amount of compensation to be paid for the right of way for railroads through Indian reservations in certain contingencies."

The matter is commended to the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 4, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of 22d ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill to accept and ratify an agreement made with the Indians of the Yakima Reservation, in Washington Territory, for the right of way of the Northern Pacific Railroad across said reservation, etc.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 4, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of 24th ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill to accept and ratify an agreement made by the Pi-Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River Reservation, in Nevada.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 4, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 24th ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill to accept and ratify an agreement made with the Sisseton and Wahpeton Indians, and to grant a right of way for the Chicago, Milwaukee and St. Paul Railway through the Lake Traverse Indian Reservation, in Dakota.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 5, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 23d ultimo from the Secretary of the Interior, submitting a draft of a bill "to provide for the

reduction of the Round Valley Indian Reservation, in the State of California, and for other purposes," with accompanying papers relating thereto. The documents thus submitted exhibit extensive and entirely unjustifiable encroachments upon lands set apart for Indian occupancy and disclose a disregard of Indian rights so long continued that the Government can not further temporize without positive dishonor. Efforts to dislodge trespassers upon these lands have in some cases been resisted upon the ground that certain moneys due from the Government for improvements have not been paid. So far as this claim is well founded the sum necessary to extinguish the same should be at once appropriated and paid. In other cases the position of these intruders is one of simple and barefaced wrongdoing, plainly questioning the inclination of the Government to protect its dependent Indian wards and its ability to maintain itself in the guaranty of such protection.

These intruders should forthwith feel the weight of the Government's power. I earnestly commend the situation and the wrongs of the Indians occupying the reservation named to the early attention of the Congress, and ask for the bill herewith transmitted careful and prompt attention.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 5, 1888.*

To the Senate:

In answer to the resolution of the Senate of the 28th of February last, requesting the President of the United States to obtain certain information from the Government of Great Britain relative to the proceedings of the authorities of New Zealand concerning the titles to lands in that colony claimed by American citizens, I transmit a report of the Secretary of State, together with the accompanying documents.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 5, 1888.

To the Senate of the United States:

I transmit herewith, with a view to its ratification, a treaty of friendship, commerce, and navigation between the United States and the Republic of Peru, signed at Lima on the 31st day of August, 1887.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 5, 1888.

To the Senate of the United States:

I transmit, with a view to its ratification, an additional article, signed October 22, 1887, to the treaty for the extradition of criminals concluded October 11, 1870, between the United States and the Republic of Guate-

mala, and, for the reasons suggested by the Secretary of State in his report, request the return of the additional article to the above-mentioned treaty signed February 4, 1887, and transmitted to the Senate on February 24 [25] of the same year.*

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 9, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of 30th of December, 1887, from the Secretary of the Interior, submitting, with accompanying papers, two additional reports from the commission appointed to conduct negotiations with certain tribes and bands of Indians for reduction of reservations, etc., under the provisions of the act of May 15, 1886 (24 U. S. Statutes at Large, p. 44), providing therefor.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 9, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, relative to the requests which have been received from various maritime associations and chambers of commerce of this country asking that measures be taken to convoke an international conference at Washington of representatives of all maritime nations to devise measures for the greater security of life and property at sea.

I commend this important subject to the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 9, 1888.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, recommending that this Government take action to approve the resolutions of the Washington International Meridian Conference, held in October, 1884, in favor of fixing a prime meridian and a universal day, and to invite the powers with whom this country has diplomatic relations to accede to the same.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 9, 1888.*

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State, relative to the legislation required to carry into effect the international convention of March 14, 1884, for the protection of submarine cables, to which this country is a party.

GROVER CLEVELAND.

* See p. 5123.

EXECUTIVE MANSION, *January 12, 1888.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, in relation to the invitation from the Government of France to this Government to participate in the international exhibition which is to be held at Paris in 1889.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 16, 1888.

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of the 21st ultimo, a report of the Secretary of State touching correspondence of this Government with that of Hawaii, or of any foreign country, concerning any change or proposed change in the Government of the Hawaiian Islands.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 17, 1888.*

To the Senate and House of Representatives:

On the 3d day of March last an act was passed authorizing the appointment of three commissioners who should investigate the affairs of such railroads as have received aid from the United States Government. Among other things, the contemplated investigation included a history of the construction of these roads, their relations and indebtedness to the Government, and the question whether in the interest of the United States any extension of the time for the performance of the obligations of said roads to the Government should be granted; and if so, the said commissioners were directed to submit a scheme for such extension.

The commissioners were further directed by said act to report in full to the President upon all the matters submitted to them, and he was by said act required to forward said report to Congress with such recommendations or comments as he should see fit to make in the premises.

The commissioners immediately after their selection entered upon the discharge of their duties, and have prosecuted their inquiries with commendable industry, intelligence, and thoroughness. A large amount of testimony has been taken, and all the facts have been developed which appear to be necessary for the consideration of the questions arising from the condition of these aided railroads and their relations to the Government.

The commissioners have, however, been unable to agree upon the manner in which these railroads should be treated respecting their indebtedness to the United States, or to unite upon the plan best calculated to secure the payment of such indebtedness.

This disagreement has resulted in the preparation of two reports, both of which are herewith submitted to the Congress.

These reports exhibit such transactions and schemes connected with the construction of the aided roads and their management, and suggest the invention of such devices on the part of those having them in charge, for the apparent purpose of defeating any chance for the Government's reimbursement, that any adjustment or plan of settlement should be predicated upon the substantial interests of the Government rather than any forbearance or generosity deserved by the companies.

The wide publication which has already been given to the substance of the commissioners' reports obviates the necessity of detailing in this communication the facts found upon the investigation.

The majority report, while condemning the methods adopted by those who formerly had charge of the Union Pacific Railroad, declares that since its present management was inaugurated, in 1884, its affairs have been fairly and prudently conducted, and that the present administration "has devoted itself honestly and intelligently to the herculean task of rescuing the Union Pacific Railway from the insolvency which seriously threatened it at the inception of its work;" that it "has devoted itself, by rigid economy, by intelligent management, and by an application of every dollar of the earning capacity of the system to its improvement and betterment, to place that company on a sound and enduring financial foundation."

The condition of the present management of the Union Pacific Company has an important bearing upon its ability to comply with the terms of any settlement of its indebtedness which may be offered by the Government.

The majority of the commission are in favor of an extension of the time for the payment of the Government indebtedness of these companies, upon certain conditions; but the chairman of the commission, presenting the minority report, recommends, both upon principle and policy, the institution of proceedings for the forfeiture of the charters of the corporations and the winding up of their affairs.

I have been furnished with a statement or argument in defense of the transactions connected with the construction of the Central Pacific road and its branch lines, from which it may not be amiss to quote for the purpose of showing how some of the operations of the directors of such road, strongly condemned by the commissioners, are defended by the directors themselves. After speaking of a contract for the construction of one of these branch lines by a corporation called the Contract and Finance Company, owned by certain directors of the Central Pacific Railroad, this language is used:

> It may be said of this contract, as of many others that were let to the different construction companies in which the directors of the Central Pacific have been stockholders, that they built the road with the moneys furnished by themselves and had the road for their outlay. In other words, they paid to the construction company the bonds and stock of the railroad so constructed, and waited until such time as they could develop sufficient business on the road built to induce the public to buy the

bonds or the stock. If the country through which the railroad ran developed sufficient business, then the project was a success; if it did not, then the operation was a loss. These gentlemen took all the responsibility; any loss occurring was necessarily theirs, and of right the profit belonged to them.

But it is said that they violated a well-known rule of equity in dealing with themselves; that they were trustees, and that they were representing both sides of the contract.

The answer is that they did not find anybody else to deal with. They could not find anyone who would take the chances of building a road through what was then an almost uninhabited country and accept the bonds and stock of the road in payment. And when it is said that they were trustees, if they did occupy such relation it was merely technical, for they represented only their own interests on both sides, there being no one else concerned in the transaction. They became the incorporators of the company that was to build the road subscribed for its stock, and were the only subscribers; therefore it is difficult to see how anyone was wronged by their action. The rule of equity invoked, which has its origin in the injunction "No man can serve two masters," certainly did not apply to them, because they were acting in their own interests and were not charged with the duty of caring for others' rights, there being no other persons interested in the subject-matter.

In view of this statement and the facts developed in the commissioners' reports, it seems proper to recall the grants and benefits derived from the General Government by both the Union and Central Pacific companies for the purpose of aiding the construction of their roads.

By an act passed in 1862 it was provided that there should be advanced to said companies by the United States, to aid in such construction, the bonds of the Government amounting to $16,000 for every mile constructed, as often as a section of 40 miles of said roads should be built; that there should also be granted to said companies, upon the completion of every said section of 40 miles of road, five entire sections of public land for each mile so built; that the entire charges earned by said roads on account of transportation and service for the Government should be applied to the reimbursement of the bonds advanced by the United States and the interest thereon, and that to secure the repayment of the bonds so advanced, and interest, the issue and delivery to said companies of said bonds should constitute a first mortgage on the whole line of their roads and on their rolling stock, fixtures, and property of every kind and description.

The liberal donations, advances, and privileges provided for in this law were granted by the General Government for the purpose of securing the construction of these roads, which would complete the connection between our eastern and western coasts; and they were based upon a consideration of the public benefits which would accrue to the entire country from such consideration.

But the projectors of these roads were not content, and the sentiment which then seemed to pervade the Congress had not reached the limit of its generosity. Two years after the passage of this law it was supplemented and amended in various important particulars in favor of these companies by an act which provided, among other things, that the bonds

at the rate already specified, should be delivered upon the completion of sections of 20 miles in length instead of 40; that the lands to be conveyed to said companies on the completion of each section of said road should be ten sections per mile instead of five; that only half of the charges for transportation and service due from time to time from the United States should be retained and applied to the advances made to said companies by the Government, thus obliging immediate payment to its debtor of the other half of said charges, and that the lien of the United States to secure the reimbursement of the amount advanced to said companies in bonds, which lien was declared by the law of 1862 to constitute a first mortgage upon all the property of said companies, should become a junior lien and be subordinated to a mortgage which the companies were by the amendatory act authorized to execute to secure bonds which they might from time to time issue in sums not exceeding the amount of the United States bonds which should be advanced to them.

The immense advantages to the companies of the amendatory act are apparent; and in these days we may well wonder that even the anticipated public importance of the construction of these roads induced what must now appear to be a rather reckless and unguarded appropriation of the public funds and the public domain.

Under the operation of these laws the principal of the bonds which have been advanced is $64,023,512, as given in the reports of the commissioners; the interest to November 1, 1887, is calculated to be $76,024,206.58, making an aggregate at the date named of $140,047,718.58. The interest calculated to the maturity of the bonds added to the principal produces an aggregate of $178,884,759.50. Against these amounts there has been repaid by the companies the sum of $30,955,039.61.

It is almost needless to state that the companies have availed themselves to the utmost extent of the permission given them to issue their bonds and to mortgage their property to secure the payment of the same, by an incumbrance having preference to the Government's lien and precisely equal to it in amount.

It will be seen that there was available for the building of each mile of these roads $16,000 of United States bonds, due in thirty years, with 6 per cent interest; $16,000 in bonds of the companies, secured by a first mortgage on all their property, and ten sections of Government land, to say nothing of the stock of the companies.

When the relations created between the Government and these companies by the legislation referred to is considered, it is astonishing that the claim should be made that the directors of these roads owed no duty except to themselves in their construction; that they need regard no interests but their own, and that they were justified in contracting with themselves and making such bargains as resulted in conveying to their pockets all the assets of the companies. As a lienor the Government was vitally interested in the amount of the mortgage to which its security had

been subordinated, and it had the right to insist that none of the bonds secured by this prior mortgage should be issued fraudulently or for the purpose of division among these stockholders without consideration.

The doctrine of complete independence on the part of the directors of these companies and their freedom from any obligation to care for other interests than their own in the construction of these roads seems to have developed the natural consequences of its application, portrayed as follows in the majority report of the commissioners:

> The result is that those who have controlled and directed the construction and development of these companies have become possessed of their surplus assets through issues of bonds, stocks, and payment of dividends voted by themselves, while the great creditor, the United States, finds itself substantially without adequate security for the repayment of its loans.

The laws enacted in aid of these roads, while they illustrated a profuse liberality and a generous surrender of the Government's advantages, which it is hoped experience has corrected, were nevertheless passed upon the theory that the roads should be constructed according to the common rules of business, fairness, and duty, and that their value and their ability to pay their debts should not be impaired by unfair manipulations; and when the Government subordinated its lien to another it was in the expectation that the prior lien would represent in its amount only such bonds as should be necessarily issued by the companies for the construction of their roads at fair prices, agreed upon in an honest way between real and substantial parties. For the purpose of saving or improving the security afforded by its junior lien the Government should have the right now to purge this paramount lien of all that is fraudulent, fictitious, or unconscionable. If the transfer to innocent hands of bonds of this character secured by such first mortgage prevents their cancellation, it might be well to seek a remedy against those who issued and transferred them. If legislation is needed to secure such a remedy, the Congress can readily supply it.

I desire to call attention also to the fact that if all that was to be done on the part of the Government to fully vest in these companies the grants and advantages contemplated by the acts passed in their interest has not yet been perfected, and if the failure of such companies to perform in good faith their part of the contract justifies such a course, the power rests with the Congress to withhold further performance on the part of the Government. If donated lands are not yet granted to these companies, and if their violation of contract and of duty are such as in justice and morals forfeit their rights to such lands, Congressional action should intervene to prevent further consummation. Executive power must be exercised according to existing laws, and Executive discretion is probably not broad enough to reach such difficulties.

The California and Oregon Railroad is now a part of the Central Pacific system, and is a land-grant road. Its construction has been carried on with the same features and incidents which have characterized the other constructions of this system, as is made apparent on pages 78,

79, and 80 of the report of the majority of the commissioners. I have in my hands for approval the report of the commissioners appointed to examine two completed sections of this road. Upon such approval the company or the Central Pacific Company will be entitled to patents for a large quantity of public lands. I especially commend to the attention of Congress this condition of affairs, in order that it may determine whether or not it should intervene to save these lands for settlers, if such a course is justifiable.

It is quite time that the troublesome complications surrounding this entire subject, which has been transmitted to us as a legacy from former days, should be adjusted and settled.

No one, I think, expects that these railroad companies will be able to pay their immense indebtedness to the Government at its maturity.

Any proceeding or arrangement that would result now, or at any other time, in putting these roads, or any portion of them, in the possession and control of the Government is, in my opinion, to be rejected, certainly as long as there is the least chance for indemnification through any other means.

I suppose we are hardly justified in indulging the irritation and indignation naturally arising from a contemplation of malfeasance to such an extent as to lead to the useless destruction of these roads or loss of the advances made by the Government. I believe that our efforts should be in a more practical direction, and should tend, with no condonation of wrongdoing, to the collection by the Government, on behalf of the people, of the public money now in jeopardy.

While the plan presented by a majority of the commission appears to be well devised and gives at least partial promise of the results sought, the fact will not escape attention that its success depends upon its acceptance by the companies and their ability to perform its conditions after acceptance. It is exceedingly important that any adjustment now made should be final and effective. These considerations suggest the possibility that the remedy proposed in the majority report might well be applied to a part only of these aided railroad companies.

The settlement and determination of the questions involved are peculiarly within the province of the Congress. The subject has been made quite a familiar one by Congressional discussion. This is now supplemented in a valuable manner by the facts presented in the reports herewith submitted.

The public interest urges prompt and efficient action.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 23, 1888.*

To the Senate and House of Representatives:

I transmit herewith the first report of the board of control created by the act of Congress approved August 4, 1886 (24 U. S. Statutes at Large, p. 252), for the management of an industrial home in the Territory of

Utah, containing a statement of the action of the board in establishing the home and an account of expenditures from the appropriation made for that purpose in the act above mentioned.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 30, 1888.

To the Senate:

I transmit herewith, in response to the resolution of the Senate of the 21st of December last, a report from the Secretary of State, in relation to Midway Island.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 7, 1888.

To the Senate of the United States:

I transmit, with a view to its ratification, a declaration, signed December 1, 1886, and March 23, 1887, for Germany, by the delegates of the powers signatories of the convention of March 14, 1884, for the protection of submarine cables, defining the sense of articles 2 and 4 of the said convention.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 7, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of 4th instant from the Secretary of the Interior, submitting, with other papers, a draft of a bill to accept and ratify an agreement made with the Shoshone and Bannock Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall Reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes.

The matter is presented for the consideration of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 20, 1888.*

To the Senate of the United States:

I transmit herewith a report furnished by the Secretary of State in response to a resolution of the Senate of the 2d instant, making inquiry respecting the present condition of the *Virginius* indemnity fund.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 20, 1888.*

To the Senate and House of Representatives:

I transmit herewith and commend to your favorable consideration a report from the Secretary of State, in relation to an invitation which this

Government has received from the Belgian Government to participate in an international exhibition of sciences and industry which will open at Brussels in the month of May next.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 20, 1888.*

To the Senate of the United States:

In my annual message transmitted to the Congress in December, 1886, it was stated that negotiations were then pending for the settlement of the questions growing out of the rights claimed by American fishermen in British North American waters.

As a result of such negotiations a treaty has been agreed upon between Her Britannic Majesty and the United States, concluded and signed in this capital, under my direction and authority, on the 15th of February instant, and which I now have the honor to submit to the Senate with the recommendation that it shall receive the consent of that body, as provided in the Constitution, in order that the ratifications thereof may be duly exchanged and the treaty be carried into effect.

Shortly after Congress had adjourned in March last, and in continuation of my efforts to arrive at such an agreement between the Governments of Great Britain and the United States as would secure to the citizens of the respective countries the unmolested enjoyment of their just rights under existing treaties and international comity in the territorial waters of Canada and of Newfoundland, I availed myself of opportune occurrences indicative of a desire to make without delay an amicable and final settlement of a long-standing controversy, productive of much irritation and misunderstanding between the two nations, to send through our minister in London proposals that a conference should take place on the subject at this capital.

The experience of the past two years had demonstrated the dilatory and unsatisfactory consequences of our indirect transaction of business through the foreign office in London, in which the views and wishes of the government of the Dominion of Canada were practically predominant, but were only to find expression at second hand.

To obviate this inconvenience and obstruction to prompt and well-defined settlement, it was considered advisable that the negotiations should be conducted in this city and that the interests of Canada and Newfoundland should be directly represented therein.

The terms of reference having been duly agreed upon between the two Governments and the conference arranged to be held here, by virtue of the power in me vested by the Constitution I duly authorized Thomas F. Bayard, the Secretary of State of the United States, William L. Putnam, a citizen of the State of Maine, and James B. Angell, a citizen of the State of Michigan, for and in the name of the United States, to meet and confer with the plenipotentiaries representing the Government of Her Britannic

Majesty, for the purpose of considering and adjusting in a friendly spirit all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland which were in dispute between the Government of the United States and that of Her Britannic Majesty, and jointly and severally to conclude and sign any treaty or treaties touching the premises; and I herewith transmit for your information full copies of the power so given by me.

In execution of the powers so conveyed the said Thomas F. Bayard, William L. Putnam, and James B. Angell, in the month of November last, met in this city the plenipotentiaries of Her Britannic Majesty and proceeded in the negotiation of a treaty as above authorized. After many conferences and protracted efforts an agreement has at length been arrived at, which is embodied in the treaty which I now lay before you.

The treaty meets my approval, because I believe that it supplies a satisfactory, practical, and final adjustment, upon a basis honorable and just to both parties, of the difficult and vexed question to which it relates.

A review of the history of this question will show that all former attempts to arrive at a common interpretation, satisfactory to both parties, of the first article of the treaty of October 20, 1818, have been unsuccessful, and with the lapse of time the difficulty and obscurity have only increased.

The negotiations in 1854 and again in 1871 ended in both cases in temporary reciprocal arrangements of the tariffs of Canada and Newfoundland and of the United States, and the payment of a money award by the United States, under which the real questions in difference remained unsettled, in abeyance, and ready to present themselves anew just so soon as the conventional arrangements were abrogated.

The situation, therefore, remained unimproved by the results of the treaty of 1871, and a grave condition of affairs, presenting almost identically the same features and causes of complaint by the United States against Canadian action and British default in its correction, confronted us in May, 1886, and has continued until the present time.

The greater part of the correspondence which has taken place between the two Governments has heretofore been communicated to Congress, and at as early a day as possible I shall transmit the remaining portion to this date, accompanying it with the joint protocols of the conferences which resulted in the conclusion of the treaty now submitted to you.

You will thus be fully possessed of the record and history of the case since the termination on June 30, 1885, of the fishery articles of the treaty of Washington of 1871, whereby we were relegated to the provisions of the treaty of October 20, 1818.

As the documents and papers referred to will supply full information of the positions taken under my Administration by the representatives of the United States, as well as those occupied by the representatives of the Government of Great Britain, it is not considered necessary or expedient

to repeat them in this message. But I believe the treaty will be found to contain a just, honorable, and therefore satisfactory solution of the difficulties which have clouded our relations with our neighbors on our northern border.

Especially satisfactory do I believe the proposed arrangement will be found by those of our citizens who are engaged in the open-sea fisheries adjacent to the Canadian coast, and resorting to those ports and harbors under treaty provisions and rules of international law.

The proposed delimitation of the lines of the exclusive fisheries from the common fisheries will give certainty and security as to the area of their legitimate field. The headland theory of imaginary lines is abandoned by Great Britain, and the specification in the treaty of certain named bays especially provided for gives satisfaction to the inhabitants of the shores, without subtracting materially from the value or convenience of the fishery rights of Americans.

The uninterrupted navigation of the Strait of Canso is expressly and for the first time affirmed, and the four purposes for which our fishermen under the treaty of 1818 were allowed to enter the bays and harbors of Canada and Newfoundland within the belt of 3 marine miles are placed under a fair and liberal construction, and their enjoyment secured without such conditions and restrictions as in the past have embarrassed and obstructed them so seriously.

The enforcement of penalties for unlawfully fishing or preparing to fish within the inshore and exclusive waters of Canada and Newfoundland is to be accomplished under safeguards against oppressive or arbitrary action, thus protecting the defendant fishermen from punishment in advance of trial, delays, and inconvenience and unnecessary expense.

The history of events in the last two years shows that no feature of Canadian administration was more harassing and injurious than the compulsion upon our fishing vessels to make formal entry and clearance on every occasion of temporarily seeking shelter in Canadian ports and harbors.

Such inconvenience is provided against in the proposed treaty, and this most frequent and just cause of complaint is removed.

The articles permitting our fishermen to obtain provisions and the ordinary supplies of trading vessels on their homeward voyages, and under which they are accorded the further and even more important privilege on all occasions of purchasing such casual or needful provisions and supplies as are ordinarily granted to trading vessels, are of great importance and value.

The licenses, which are to be granted without charge and on application, in order to enable our fishermen to enjoy these privileges, are reasonable and proper checks in the hands of the local authorities to identify the recipients and prevent abuse, and can form no impediment to those who intend to use them fairly.

The hospitality secured for our vessels in all cases of actual distress with liberty to unload and sell and transship their cargoes, is full and liberal.

These provisions will secure the substantial enjoyment of the treaty rights for our fishermen under the treaty of 1818, for which contention has been steadily made in the correspondence of the Department of State and our minister at London and by the American negotiators of the present treaty.

The right of our fishermen under the treaty of 1818 did not extend to the procurement of distinctive fishery supplies in Canadian ports and harbors, and one item supposed to be essential—to wit, bait—was plainly denied them by the explicit and definite words of the treaty of 1818, emphasized by the course of the negotiation and express decisions which preceded the conclusion of that treaty.

The treaty now submitted contains no provision affecting tariff duties, and, independently of the position assumed upon the part of the United States that no alteration in our tariff or other domestic legislation could be made as the price or consideration of obtaining the rights of our citizens secured by treaty, it was considered more expedient to allow any change in the revenue laws of the United States to be made by the ordinary exercise of legislative will and in the promotion of the public interests. Therefore the addition to the free list of fish, fish oil, whale and seal oil, etc., recited in the last article of the treaty, is wholly left to the action of Congress; and in connection therewith the Canadian and Newfoundland right to regulate sales of bait and other fishing supplies within their own jurisdiction is recognized, and the right of our fishermen to freely purchase these things is made contingent by this treaty upon the action of Congress in the modification of our tariff laws.

Our social and commercial intercourse with those populations who have been placed upon our borders and made forever our neighbors is made apparent by a list of United States common carriers, marine and inland, connecting their lines with Canada, which was returned by the Secretary of the Treasury to the Senate on the 7th day of February, 1888, in answer to a resolution of that body; and this is instructive as to the great volume of mutually profitable interchanges which has come into existence during the last half century.

This intercourse is still but partially developed, and if the amicable enterprise and wholesome rivalry between the two populations be not obstructed the promise of the future is full of the fruits of an unbounded prosperity on both sides of the border.

The treaty now submitted to you has been framed in a spirit of liberal equity and reciprocal benefits, in the conviction that mutual advantage and convenience are the only permanent foundation of peace and friendship between States, and that with the adoption of the agreement now placed before the Senate a beneficial and satisfactory intercourse between

the two countries will be established so as to secure perpetual peace and harmony.

In connection with the treaty herewith submitted I deem it also my duty to transmit to the Senate a written offer or arrangement, in the nature of a *modus vivendi*, tendered after the conclusion of the treaty on the part of the British plenipotentiaries, to secure kindly and peaceful relations during the period that may be required for the consideration of the treaty by the respective Governments and for the enactment of the necessary legislation to carry its provisions into effect if approved.

This paper, freely and on their own motion signed by the British conferees, not only extends advantages to our fishermen pending the ratification of the treaty, but appears to have been dictated by a friendly and amicable spirit.

I am given to understand that the other Governments concerned in this treaty will within a few days, in accordance with their methods of conducting public business, submit said treaty to their respective legislatures, when it will be at once published to the world. In view of such action it appears to be advisable that by publication here early and full knowledge of all that has been done in the premises should be afforded to our people.

It would also seem to be useful to inform the popular mind concerning the history of the long-continued disputes growing out of the subject embraced in the treaty and to satisfy the public interests touching the same, as well as to acquaint our people with the present status of the questions involved, and to give them the exact terms of the proposed adjustment, in place of the exaggerated and imaginative statements which will otherwise reach them.

I therefore beg leave respectfully to suggest that said treaty and all such correspondence, messages, and documents relating to the same as may be deemed important to accomplish those purposes be at once made public by the order of your honorable body.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 20, 1888.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, relative to an invitation from the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 27, 1888.*

To the Senate of the United States:

I transmit herewith a report furnished by the Secretary of State in response to a resolution of the Senate of January 12, 1888, making various inquiries respecting the awards of the late Spanish and American

Claims Commission and the disposition of moneys received in satisfaction thereof.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 5, 1888.*

To the Senate and House of Representatives of the United States of America:

I transmit herewith, for the information and consideration of Congress, a report of the Secretary of State, with accompanying correspondence, touching the action of the Government of Venezuela in conveying to that country for interment the remains of the distinguished Venezuelan soldier and statesman, General José Antonio Paez, and take pleasure in expressing my concurrence in the suggestion therein referred to, that the employment of a national vessel of war for the transportation of General Paez's remains from New York to La Guayra be authorized and provided for by Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 5, 1888.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, relative to an invitation which the Royal Bavarian Government has extended to this Government to participate in the Third International Exhibition of the Fine Arts, which is to be held at Munich, Bavaria, during the present year.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 5, 1888.*

To the Senate and House of Representatives:

I herewith transmit a letter from the Secretary of State, accompanied by documents and correspondence, in relation to the recent negotiations with Great Britain concerning American fishing interests in British North American waters.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 5, 1888.*

To the Senate:

I transmit herewith a report from the Secretary of State, with its inclosures, in response to the resolution of the Senate of the 21st of December, 1887, and the 16th of January, 1888, touching the awards of the late Mexican Claims Commission, and especially those in favor of Benjamin Weil and La Abra Silver Mining Company.

It will be seen that the report concludes with a suggestion that these claims be referred to the Court of Claims, or such other court as may be deemed proper, in order that the charges of fraud made in relation to said claims may be fully investigated.

If for any reason this proceeding be considered inadvisable, I respect-

fully ask that some final and definite action be taken directing the executive department of the Government what course to pursue in the premises.

In view of the long delay that has already occurred in these cases, it would seem but just to all parties concerned that the Congress should speedily signify its final judgment upon the awards referred to and make the direction contemplated by the act of 1878, in default of which the money now on hand applicable to such awards now remains undistributed.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *March 7, 1888.*

In compliance with the resolution of the Senate of the 24th of February, 1888, calling for information as to whether the Government of France has prohibited the importation into the country of any American products, and, if so, what products of the United States are affected thereby, and also as to whether any correspondence upon said subject has passed between the Governments of the United States and France, I transmit herewith a report from the Secretary of State on the subject, with the accompanying correspondence.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *March 8, 1888.*

A copy of the following resolution, passed by the Senate on the 1st day of the present month, was delivered to me on the 3d instant:

Resolved, That in view of the difficulties and embarrassments that have attended the regulation of the immigration of Chinese laborers to the United States under the limitations of our treaties with China, the President of the United States be requested to negotiate a treaty with the Emperor of China containing a provision that no Chinese laborer shall enter the United States.

The importance of the subject referred to in this resolution has by no means been overlooked by the executive branch of the Government, charged under the Constitution with the formulation of treaties with foreign countries.

Negotiation with the Emperor of China for a treaty such as is mentioned in said resolution was commenced many months ago and has been since continued. The progress of the negotiation thus inaugurated has heretofore been freely communicated to such members of the Senate and of its Committee on Foreign Relations as sought information concerning the same. It is, however, with much gratification that I deem myself now justified in expressing to the Senate, in response to its resolution, the hope and expectation that a treaty will soon be concluded concerning the immigration of Chinese laborers which will meet the wants of our people and the approbation of the body to which it will be submitted for confirmation.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 12, 1888.

To the Senate of the United States:

I transmit herewith, with a view to its ratification, a treaty between the United States of America and Zanzibar, concluded July 3, 1886, enlarging and defining the stipulations of the treaty of September 21, 1833, between the United States of America and His Majesty Seyed Syed bin Sultan of Muscat and Sovereign of Zanzibar, which treaty has continued in force as to Zanzibar and its dependencies after the separation of Zanzibar from Muscat, and has been accepted, ratified, and confirmed by the Sultan of Zanzibar on October 20, 1879.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 16, 1888.

To the Senate:

I have the honor to transmit herewith and recommend for your constitutional approval a convention signed and concluded in this city on the 12th instant, under my direction, between the United States and China, for the exclusion hereafter of Chinese laborers from coming into this country.

This treaty is accompanied by a letter from the Secretary of State in recital of its provisions and explanatory of the reasons for its negotiation, and with it are transmitted sundry documents giving the history of events connected with the presence and treatment of Chinese subjects in the United States.

In view of the public interest which has for a long time been manifested in relation to the question of Chinese immigration, it would seem advisable that the full text of this treaty should be made public, and I respectfully recommend that an order to that effect be made by your honorable body.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 16, 1888.*

To the Senate of the United States:

I herewith transmit, in compliance with the resolution of the Senate of the 16th ultimo, a report from the Secretary of State, accompanied by certain correspondence in regard to the Mexican *zona libre.*

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 20, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 13th instant from the Secretary of the Interior, with accompanying papers, and submitting the draft of a proposed bill to forfeit lands granted to the State of Oregon for the construction of certain wagon roads, and for other purposes.

The presentation of facts by the Secretary of the Interior herewith transmitted is the result of an examination made under his direction, which has developed, as it seems to me, the most unblushing frauds upon the Government, which, if remaining unchallenged, will divert several hundred thousand acres of land from the public domain and from the reach of honest settlers to those who have attempted to prevent and prostitute the beneficent designs of the Government. The Government sought by the promise of generous donations of land to promote the building of wagon roads for public convenience and for the purpose of encouraging settlement upon the public lands. The roads have not been built, and yet an attempt is made to claim the lands under a title which depends for its validity entirely upon the construction of these roads.

The evidence which has been collected by the Secretary of the Interior, plainly establishing this attempt to defraud the Government and exclude the settlers who are willing to avail themselves of the liberal policy adopted for the settlement of the public lands, is herewith submitted to the Congress, with the recommendation that the bill which has been prepared, and which is herewith transmitted, may become a law, and with the earnest hope that the opportunity thus presented to demonstrate a sincere desire to preserve the public domain for settlers and to frustrate unlawful attempts to appropriate the same may not be neglected.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 22, 1888.

To the Senate:

I transmit herewith, for your advice and consent to the ratification thereof, a convention between the United States and Venezuela, signed the 15th instant, supplementary to the convention between the same powers for the settlement of claims signed December 5, 1885.

I transmit also a report of the Secretary of State thereon and copies of correspondence had with the diplomatic representative of Venezuela at this capital in relation thereto.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 22, 1888.*

To the Senate:

In response to the resolution adopted by your honorable body on the 16th instant, as follows—

Resolved, That the President of the United States be requested, if in his judgment not incompatible with the public interest, to transmit to the Senate copies of the minutes and daily protocols of the meetings of the commissioners who negotiated the treaty with Great Britain submitted by the President to the Senate on the 20th of February, 1888—

I submit herewith a report of the Secretary of State, which I hope will satisfactorily meet the request for information embraced in said resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 27, 1888.*

To the Senate and House of Representatives:

I transmit herewith a report from Hon. George H. Pendleton, our minister to Germany, dated January 30, 1888, from which it appears that trichinosis prevails to a considerable extent in certain parts of Germany and that a number of persons have already died from the effects of eating the meat of diseased hogs which were grown in that country.

I also transmit a report from our consul at Marseilles, dated February 4, 1888, representing that for a number of months a highly contagious and fatal disease has prevailed among the swine of a large section of France, which disease is thought to be very similar to hog cholera by the Commissioner of Agriculture, whose statement is herewith submitted.

It is extremely doubtful if the law passed April 29, 1878, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," meets cases of this description.

In view of the danger to the health and lives of our people and the contagion that may be spread to the live stock of the country by the importation of swine or hog products from either of the countries named, I recommend the passage of a law prohibiting such importation, with proper regulations as to the continuance of such prohibition, and permitting such further prohibitions in other future cases of a like character as safety and prudence may require.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 2, 1888.

To the House of Representatives:

I transmit herewith a report from the Secretary of State, with its inclosures, in response to the resolution of the House of Representatives of the 8th ultimo, in relation to affairs in Samoa.

GROVER CLEVELAND.

[A similar message was sent to the Senate in answer to a resolution of that body of December 21, 1887.]

EXECUTIVE MANSION, *April 5, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 3d instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill to provide for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 9, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 6th instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of

proposed legislation, prepared in the Office of Indian Affairs, to authorize the use of certain funds therein specified in the purchase of lands in the State of Florida upon which to locate the Seminole Indians in that State.

The matter is presented for the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 12, 1888.*

To the Senate and House of Representatives:

I transmit herewith and commend to your favorable consideration a letter from the Secretary of State, outlining a plan for publishing the important collections of historical manuscripts now deposited in the Department of State.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 12, 1888.*

To the Senate of the United States:

In response to the resolution of the Senate dated March 8, calling for the correspondence respecting the seizure of the American steamships *Hero*, *San Fernando*, and *Nutrias*, the property of the Venezuela Steam Transportation Company of New York, and the imprisonment of their officers by the authorities in Venezuela, I transmit herewith the report of the Secretary of State on the subject, together with the accompanying documents.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 18, 1888.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 5th of March last, calling upon the Secretary of State for copies of the correspondence relating to the claim of William H. Frear against the Government of France for money due him for provisions furnished in March, 1871, for revictualing Paris, I transmit a report from that officer, together with the correspondence called for by the resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 23, 1888.

To the Senate:

I transmit herewith a report from the Secretary of State and accompanying papers, in response to the resolution of the Senate of the 25th of January last, requesting correspondence and other information in relation to the claims convention of December 5, 1885, between the United States and Venezuela.

This resolution was adopted in open session; but in view of the change of circumstances since its adoption, by the signature on the 15th ultimo

of the convention which I transmitted to the Senate with my message of the 22d ultimo, and which is now under consideration there in executive session, I transmit the accompanying report as a confidential document also.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 8, 1888.

To the Senate of the United States:

I retransmit herewith a convention for the surrender of criminals between the United States and the Republic of Guatemala, concluded October 11, 1870, and ratified by the President of the United States, as amended by the Senate, on April 11, 1871, calling attention to the accompanying report of the Secretary of State as explanatory of my action.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 8, 1888.*

To the Senate of the United States:

In answer to the resolution of the Senate of April 12, directing the Secretary of State to transmit to the Senate a copy of the correspondence in his Department in regard to the case of John Fruchier, an American citizen who has been impressed into the military service of France, I transmit herewith a report in relation thereto from the Secretary of State, together with the accompanying papers, not considering their communication to be incompatible with the public interests.

GROVER CLEVELAND

EXECUTIVE MANSION,
Washington, May 14, 1888.

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, relative to the claim of Mr. Rudolph Lobsiger, a Swiss citizen, against the United States, and recommend that provision be made by law for referring the matter to the Court of Claims for examination on its merits.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 14, 1888.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanied by a report of Mr. Somerville P. Tuck, appointed to carry out

*See p. 5196.

INDIAN WARFARE: AMBUSHING EMIGRANTS

INDIANS AMBUSHING EMIGRANTS

The discovery of gold in California and the resultant rush of emigrants across the prairies brought home to the Indian mind that his ancient domain on the North American Continent was ended and that soon from sun to sun the white settlers would possess his hunting grounds. As he would learn no other means of supporting life, to deprive him of game meant extinction. The army of invasion advanced in military order. Each group had its chief; at night their ox-teams and prairie schooners were guarded by sentinels; by day they prevented surprise by means of advance guards, flank guards, and rear guards. Hostile eyes watched them incessantly and at the first sign of unpreparedness the Indians attacked and if not repulsed exterminated them.

One engagement is typical of many. In September, 1868, fifty plainsmen were attacked in their camp on the Arickaree River in Northern Kansas, but, taking position on an island in the stream, they repulsed three separate charges by three hundred savages, losing five of their number and all their mounts. The Indians, whose numbers grew to nine hundred, then beleaguered them. Without food except the carcasses of their dead horses, which soon became unfit to eat, they stood at bay nine days, until a relief party raised by two of their number, who, by a miracle of cunning, had penetrated the besiegers' lines, rescued them.

For discussions of our relations with the Indians, see the twenty-three pages of the index (volume eleven), headed "Indians," etc.

certain provisions of section 5 of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 15, 1888.*

To the House of Representatives:

In compliance with a resolution originating in the House of Representatives and concurred in by the Senate, I return herewith the bill (H. R. 2699) entitled "An act for the relief of the heirs of the late Solomon Spitzer."

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, June 14, 1888.

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of the 11th instant, a report of the Secretary of State, to whom said resolution was addressed, together with a copy of the letter addressed by William H. Seward, Secretary of State, to the governors of certain States of the Union, under date of October 14, 1861, as described in said resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 26, 1888.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, accompanied with selected correspondence relating to foreign affairs for the year 1887.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, July 5, 1888.

To the Senate:

I transmit herewith, with a view to its ratification, a convention for the extradition of criminals between the United States of America and the Republic of Colombia, signed at Bogota on the 7th of May, 1888, and I at the same time call attention to the accompanying report of the Secretary of State, suggesting certain amendments to the convention.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, July 18, 1888.

To the Senate:

I transmit, with a view to its ratification, a convention between the United States and Mexico, signed July 11, 1888, regulating the crossing

and recrossing of the frontier between the two countries by pasturing estray or stolen cattle, and I at the same time call attention to the report of the Secretary of State and accompanying papers, relating to the convention in question.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 18, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, submitting a series of reports on taxation, prepared by the consular officers of the United States.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 18, 1888.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, accompanying the annual reports of the consuls of the United States on the trade and industries of foreign countries.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 18, 1888.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Acting Secretary of State and accompanying documents, being reports from the consuls of the United States on the production of and trade in coffee among the Central and South American States.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 23, 1888.*

To the Congress of the United States:

Pursuant to the second section of chapter 27 of the laws of 1883, entitled "An act to regulate and improve the civil service of the United States," I herewith transmit the fourth report of the United States Civil Service Commission, covering the period between the 16th day of January, 1886, and the 1st day of July, 1887.

While this report has especial reference to the operations of the Commission during the period above mentioned, it contains, with its accompanying appendixes, much valuable information concerning the inception of civil-service reform and its growth and progress which can not fail to be interesting and instructive to all who desire improvement in administrative methods.

During the time covered by the report 15,852 persons were examined for admission in the classified civil service of the Government in all its branches, of whom 10,746 passed the examination and 5,106 failed. Of

those who passed the examination 2,977 were applicants for admission to the departmental service at Washington, 2,547 were examined for admission to the customs service, and 5,222 for admission to the postal service. During the same period 547 appointments were made from the eligible lists to the departmental service, 641 to the customs service, and 3,254 to the postal service.

Concerning separations from the classified service, the report only informs us of such as have occurred among employees in the public service who had been appointed from eligible lists under civil-service rules. When these rules took effect, they did not apply to the persons then in the service, comprising a full complement of employees, who obtained their positions independently of the new law. The Commission has no record of the separations in this numerous class. And the discrepancy apparent in the report between the number of appointments made in the respective branches of the service from the lists of the Commission and the small number of separations mentioned is to a great extent accounted for by vacancies, of which no report was made to the Commission, occurring among those who held their places without examination and certification, which vacancies were filled by appointment from the eligible lists.

In the departmental service there occurred between the 16th day of January, 1886, and the 30th day of June, 1887, among the employees appointed from the eligible lists under civil-service rules, 17 removals, 36 resignations, and 5 deaths. This does not include 14 separations in the grade of special pension examiners—4 by removal, 5 by resignation, and 5 by death.

In the classified customs and postal services the number of separations among those who received absolute appointments under civil-service rules is given for the period between the 1st day of January, 1886, and the 30th day of June, 1887. It appears that such separations in the customs service for the time mentioned embraced 21 removals, 5 deaths, and 18 resignations, and in the postal service 256 removals, 23 deaths, and 469 resignations.

More than a year has passed since the expiration of the period covered by the report of the Commission. Within the time which has thus elapsed many important changes have taken place in furtherance of a reform in our civil service. The rules and regulations governing the execution of the law upon the subject have been completely remodeled in such manner as to render the enforcement of the statute more effective and greatly increase its usefulness.

Among other things, the scope of the examinations prescribed for those who seek to enter the classified service has been better defined and made more practical, the number of names to be certified from the eligible lists to the appointing officers from which a selection is made has been reduced from four to three, the maximum limitation of the age of persons seeking entrance to the classified service to 45 years has been changed,

and reasonable provision has been made for the transfer of employees from one Department to another in proper cases. A plan has also been devised providing for the examination of applicants for promotion in the service, which, when in full operation, will eliminate all chance of favoritism in the advancement of employees, by making promotion a reward of merit and faithful discharge of duty.

Until within a few weeks there was no uniform classification of employees in the different Executive Departments of the Government. As a result of this condition, in some of the Departments positions could be obtained without civil-service examination, because they were not within the classification of such Department, while in other Departments an examination and certification were necessary to obtain positions of the same grade, because such positions were embraced in the classifications applicable to those Departments.

The exception of laborers, watchmen, and messengers from examination and classification gave opportunity, in the absence of any rule guarding against it, for the employment, free from civil-service restrictions, of persons under these designations, who were immediately detailed to do clerical work.

All this has been obviated by the application to all the Departments of an extended and uniform classification embracing grades of employees not theretofore included, and by the adoption of a rule prohibiting the detail of laborers, watchmen, or messengers to clerical duty.

The path of civil-service reform has not at all times been pleasant nor easy. The scope and purpose of the reform have been much misapprehended; and this has not only given rise to strong opposition, but has led to its invocation by its friends to compass objects not in the least related to it. Thus partisans of the patronage system have naturally condemned it. Those who do not understand its meaning either mistrust it or, when disappointed because in its present stage it is not applied to every real or imaginary ill, accuse those charged with its enforcement with faithlessness to civil-service reform. Its importance has frequently been underestimated, and the support of good men has thus been lost by their lack of interest in its success. Besides all these difficulties, those responsible for the administration of the Government in its executive branches have been and still are often annoyed and irritated by the disloyalty to the service and the insolence of employees who remain in place as the beneficiaries and the relics and reminders of the vicious system of appointment which civil-service reform was intended to displace.

And yet these are but the incidents of an advance movement which is radical and far-reaching. The people are, notwithstanding, to be congratulated upon the progress which has been made and upon the firm, practical, and sensible foundation upon which this reform now rests.

With a continuation of the intelligent fidelity which has hitherto characterized the work of the Commission; with a continuation and increase

of the favor and liberality which have lately been evinced by the Congress in the proper equipment of the Commission for its work; with a firm but conservative and reasonable support of the reform by all its friends, and with the disappearance of opposition which must inevitably follow its better understanding, the execution of the civil-service law can not fail to ultimately answer the hopes in which it had its origin.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 26, 1888.*

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of 11th April last, a report of the Secretary of State, with accompanying correspondence, relating to the pending dispute between the Government of Venezuela and the Government of Great Britain concerning the boundaries between British Guiana and Venezuela.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 6, 1888.*

To the Senate and House of Representatives:

It becomes my painful duty to announce to the Congress and to the people of the United States the death of Philip H. Sheridan, General of the Army, which occurred at a late hour last night at his summer home in the State of Massachusetts.

The death of this valiant soldier and patriotic son of the Republic, though his long illness has been regarded with anxiety, has nevertheless shocked the country and caused universal grief.

He had established for himself a stronghold in the hearts of his fellow-countrymen, who soon caught the true meaning and purpose of his soldierly devotion and heroic temper.

His intrepid courage, his steadfast patriotism, and the generosity of his nature inspired with peculiar warmth the admiration of all the people.

Above his grave affection for the man and pride in his achievements will struggle for mastery, and too much honor can not be accorded to one who was so richly endowed with all the qualities which make his death a national loss.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 7, 1888.*

To the Senate:

In compliance with a resolution of the Senate of the 3d instant (the House of Representatives concurring), I return herewith the enrolled bill (S. 3303) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 10, 1888.*

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanied by a report of the delegate on the part of the United States to the Fourth International Conference of the Red Cross Association, held at Carlsruhe, in the Grand Duchy of Baden, in September last.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 23, 1888.*

To the Congress:

The rejection by the Senate of the treaty lately negotiated for the settlement and adjustment of the differences existing between the United States and Great Britain concerning the rights and privileges of American fishermen in the ports and waters of British North America seems to justify a survey of the condition to which the pending question is thus remitted.

The treaty upon this subject concluded in 1818, through disagreements as to the meaning of its terms, has been a fruitful source of irritation and trouble. Our citizens engaged in fishing enterprises in waters adjacent to Canada have been subjected to numerous vexatious interferences and annoyances; their vessels have been seized upon pretexts which appeared to be entirely inadmissible, and they have been otherwise treated by the Canadian authorities and officials in a manner inexcusably harsh and oppressive.

This conduct has been justified by Great Britain and Canada by the claim that the treaty of 1818 permitted it and upon the ground that it was necessary to the proper protection of Canadian interests. We deny that treaty agreements justify these acts, and we further maintain that aside from any treaty restraints of disputed interpretation the relative positions of the United States and Canada as near neighbors, the growth of our joint commerce, the development and prosperity of both countries, which amicable relations surely guarantee, and, above all, the liberality always extended by the United States to the people of Canada furnished motives for kindness and consideration higher and better than treaty covenants.

While keenly sensitive to all that was exasperating in the condition and by no means indisposed to support the just complaints of our injured citizens, I still deemed it my duty, for the preservation of important American interests which were directly involved, and in view of all the details of the situation, to attempt by negotiation to remedy existing wrongs and to finally terminate by a fair and just treaty these ever-recurring causes of difficulty.

I fully believe that the treaty just rejected by the Senate was well suited to the exigency, and that its provisions were adequate for our

security in the future from vexatious incidents and for the promotion of friendly neighborhood and intimacy, without sacrificing in the least our national pride or dignity.

I am quite conscious that neither my opinion of the value of the rejected treaty nor the motives which prompted its negotiation are of importance in the light of the judgment of the Senate thereupon. But it is of importance to note that this treaty has been rejected without any apparent disposition on the part of the Senate to alter or amend its provisions, and with the evident intention, not wanting expression, that no negotiation should at present be concluded touching the matter at issue.

The cooperation necessary for the adjustment of the long-standing national differences with which we have to deal by methods of conference and agreement having thus been declined, I am by no means disposed to abandon the interests and the rights of our people in the premises or to neglect their grievances; and I therefore turn to the contemplation of a plan of retaliation as a mode which still remains of treating the situation.

I am not unmindful of the gravity of the responsibility assumed in adopting this line of conduct, nor do I fail in the least to appreciate its serious consequences. It will be impossible to injure our Canadian neighbors by retaliatory measures without inflicting some damage upon our own citizens. This results from our proximity, our community of interests, and the inevitable commingling of the business enterprises which have been developed by mutual activity.

Plainly stated, the policy of national retaliation manifestly embraces the infliction of the greatest harm upon those who have injured us, with the least possible damage to ourselves. There is also an evident propriety, as well as an invitation to moral support, found in visiting upon the offending party the same measure or kind of treatment of which we complain, and as far as possible within the same lines. And above all things, the plan of retaliation, if entered upon, should be thorough and vigorous.

These considerations lead me at this time to invoke the aid and counsel of the Congress and its support in such a further grant of power as seems to me necessary and desirable to render effective the policy I have indicated.

The Congress has already passed a law, which received Executive assent on the 3d day of March, 1887, providing that in case American fishing vessels, being or visiting in the waters or at any of the ports of the British dominions of North America, should be or lately had been deprived of the rights to which they were entitled by treaty or law, or if they were denied certain other privileges therein specified or vexed and harassed in the enjoyment of the same, the President might deny to vessels and their masters and crews of the British dominions of North America any entrance into the waters, ports, or harbors of the United States, and also deny entry into any port or place of the United States

of any product of said dominions or other goods coming from said dominions to the United States.

While I shall not hesitate upon proper occasion to enforce this act, it would seem to be unnecessary to suggest that if such enforcement is limited in such a manner as shall result in the least possible injury to our own people the effect would probably be entirely inadequate to the accomplishment of the purpose desired.

I deem it my duty, therefore, to call the attention of the Congress to certain particulars in the action of the authorities of the Dominion of Canada, in addition to the general allegations already made, which appear to be in such marked contrast to the liberal and friendly disposition of our country as in my opinion to call for such legislation as will, upon the principles already stated, properly supplement the power to inaugurate retaliation already vested in the Executive.

Actuated by the generous and neighborly spirit which has characterized our legislation, our tariff laws have since 1866 been so far waived in favor of Canada as to allow free of duty the transit across the territory of the United States of property arriving at our ports and destined to Canada, or exported from Canada to other foreign countries.

When the treaty of Washington was negotiated, in 1871, between the United States and Great Britain, having for its object very largely the modification of the treaty of 1818, the privileges above referred to were made reciprocal and given in return by Canada to the United States in the following language, contained in the twenty-ninth article of said treaty:

> It is agreed that for the term of years mentioned in Article XXXIII of this treaty goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States, for export from the said ports of the United States.
>
> It is further agreed that for the like period goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations and conditions for the protection of the revenue as the governments of the said possessions may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

In the year 1886 notice was received by the representatives of our

Government that our fishermen would no longer be allowed to ship their fish in bond and free of duty through Canadian territory to this country, and ever since that time such shipment has been denied.

The privilege of such shipment, which had been extended to our fishermen, was a most important one, allowing them to spend the time upon the fishing grounds which would otherwise be devoted to a voyage home with their catch, and doubling their opportunities for profitably prosecuting their vocation.

In forbidding the transit of the catch of our fishermen over their territory in bond and free of duty the Canadian authorities deprived us of the only facility dependent upon their concession and for which we could supply no substitute.

The value to the Dominion of Canada of the privilege of transit for their exports and imports across our territory and to and from our ports, though great in every aspect, will be better appreciated when it is remembered that for a considerable portion of each year the St. Lawrence River, which constitutes the direct avenue of foreign commerce leading to Canada, is closed by ice.

During the last six years the imports and exports of British Canadian Provinces carried across our territory under the privileges granted by our laws amounted in value to about $270,000,000, nearly all of which were goods dutiable under our tariff laws, by far the larger part of this traffic consisting of exchanges of goods between Great Britain and her American Provinces brought to and carried from our ports in their own vessels.

The treaty stipulation entered into by our Government was in harmony with laws which were then on our statute book and are still in force.

I recommend immediate legislative action conferring upon the Executive the power to suspend by proclamation the operation of all laws and regulations permitting the transit of goods, wares, and merchandise in bond across or over the territory of the United States to or from Canada.

There need be no hesitation in suspending these laws arising from the supposition that their continuation is secured by treaty obligations, for it seems quite plain that Article XXIX of the treaty of 1871, which was the only article incorporating such laws, terminated the 1st day of July, 1885.

The article itself declares that its provisions shall be in force "for the term of years mentioned in Article XXXIII of this treaty." Turning to Article XXXIII, we find no mention of the twenty-ninth article, but only a provision that Articles XVIII to XXV, inclusive, and Article XXX shall take effect as soon as the laws required to carry them into operation shall be passed by the legislative bodies of the different countries concerned, and that "they shall remain in force for the period of

ten years from the date at which they may come into operation, and, further, until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same."

I am of the opinion that the "term of years mentioned in Article XXXIII," referred to in Article XXIX as the limit of its duration, means the period during which Articles XVIII to XXV, inclusive, and Article XXX, commonly called the "fishery articles," should continue in force under the language of said Article XXXIII.

That the joint high commissioners who negotiated the treaty so understood and intended the phrase is certain, for in a statement containing an account of their negotiations, prepared under their supervision and approved by them, we find the following entry on the subject:

> The transit question was discussed, and it was agreed that any settlement that might be made should include a reciprocal arrangement in that respect for the period for which the fishery articles should be in force.

In addition to this very satisfactory evidence supporting this construction of the language of Article XXIX, it will be found that the law passed by Congress to carry the treaty into effect furnishes conclusive proof of the correctness of such construction.

This law was passed March 1, 1873, and is entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to the fisheries." After providing in its first and second sections for putting in operation Articles XVIII to XXV, inclusive, and Article XXX of the treaty, the third section is devoted to Article XXIX, as follows:

> SEC. 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty shall remain in force according to the terms and conditions of article thirty-third of said treaty, all goods, wares, and merchandise, arriving—

etc., etc., following in the remainder of the section the precise words of the stipulation on the part of the United States as contained in Article XXIX, which I have already fully quoted.

Here, then, is a distinct enactment of the Congress limiting the duration of this article of the treaty to the time that Articles XVIII to XXV, inclusive, and Article XXX should continue in force. That in fixing such limitation it but gave the meaning of the treaty itself is indicated by the fact that its purpose is declared to be to carry into effect the provisions of the treaty, and by the further fact that this law appears to have been submitted before the promulgation of the treaty to certain members of the joint high commission representing both countries, and met with no objection or dissent.

There appearing to be no conflict or inconsistency between the treaty

and the act of the Congress last cited, it is not necessary to invoke the well-settled principle that in case of such conflict the statute governs the question.

In any event, and whether the law of 1873 construes the treaty or governs it, section 29 of such treaty, I have no doubt, terminated with the proceedings taken by our Government to terminate Articles XVIII to XXV, inclusive, and Article XXX of the treaty. These proceedings had their inception in a joint resolution of Congress passed May 3, 1883, declaring that in the judgment of Congress these articles ought to be terminated, and directing the President to give the notice to the Government of Great Britain provided for in Article XXXIII of the treaty. Such notice having been given two years prior to the 1st day of July, 1885, the articles mentioned were absolutely terminated on the last-named day, and with them Article XXIX was also terminated.

If by any language used in the joint resolution it was intended to relieve section 3 of the act of 1873, embodying Article XXIX of the treaty, from its own limitations, or to save the article itself, I am entirely satisfied that the intention miscarried.

But statutes granting to the people of Canada the valuable privileges of transit for their goods from our ports and over our soil, which had been passed prior to the making of the treaty of 1871 and independently of it, remained in force; and ever since the abrogation of the treaty, and notwithstanding the refusal of Canada to permit our fishermen to send their fish to their home market through her territory in bond, the people of that Dominion have enjoyed without diminution the advantages of our liberal and generous laws.

Without basing our complaint upon a violation of treaty obligations, it is nevertheless true that such refusal of transit and the other injurious acts which have been recited constitute a provoking insistence upon rights neither mitigated by the amenities of national intercourse nor modified by the recognition of our liberality and generous considerations.

The history of events connected with this subject makes it manifest that the Canadian government can, if so disposed administer its laws and protect the interests of its people without manifestation of unfriendliness and without the unneighborly treatment of our fishing vessels of which we have justly complained, and whatever is done on our part should be done in the hope that the disposition of the Canadian government may remove the occasion of a resort to the additional executive power now sought through legislative action.

I am satisfied that upon the principles which should govern retaliation our intercourse and relations with the Dominion of Canada furnish no better opportunity for its application than is suggested by the conditions herein presented, and that it could not be more effectively inaugurated than under the power of suspension recommended.

While I have expressed my clear conviction upon the question of the

continuance of section 29 of the treaty of 1871, I of course fully concede the power and the duty of the Congress, in contemplating legislative action, to construe the terms of any treaty stipulation which might upon any possible consideration of good faith limit such action, and likewise the peculiar propriety in the case here presented of its interpretation of its own language, as contained in the laws of 1873 putting in operation said treaty and of 1883 directing the termination thereof; and if in the deliberate judgment of Congress any restraint to the proposed legislation exists, it is to be hoped that the expediency of its early removal will be recognized.

I desire also to call the attention of the Congress to another subject involving such wrongs and unfair treatment to our citizens as, in my opinion, require prompt action.

The navigation of the Great Lakes and the immense business and carrying trade growing out of the same have been treated broadly and liberally by the United States Government and made free to all mankind, while Canadian railroads and navigation companies share in our country's transportation upon terms as favorable as are accorded to our own citizens.

The canals and other public works built and maintained by the Government along the line of the lakes are made free to all.

In contrast to this condition, and evincing a narrow and ungenerous commercial spirit, every lock and canal which is a public work of the Dominion of Canada is subject to tolls and charges.

By Article XXVII of the treaty of 1871 provision was made to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion of Canada on terms of equality with the inhabitants of the Dominion, and to also secure to the subjects of Great Britain the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.

The equality with the inhabitants of the Dominion which we were promised in the use of the canals of Canada did not secure to us freedom from tolls in their navigation, but we had a right to expect that we, being Americans and interested in American commerce, would be no more burdened in regard to the same than Canadians engaged in their own trade; and the whole spirit of the concession made was, or should have been, that merchandise and property transported to an American market through these canals should not be enhanced in its cost by tolls many times higher than such as were carried to an adjoining Canadian market. All our citizens, producers and consumers as well as vessel owners, were to enjoy the equality promised.

And yet evidence has for some time been before the Congress, furnished by the Secretary of the Treasury, showing that while the tolls charged in the first instance are the same to all, such vessels and cargoes as are destined to certain Canadian ports are allowed a refund of nearly the entire tolls, while those bound for American ports are not allowed any such advantage.

To promise equality, and then in practice make it conditional upon our vessels doing Canadian business instead of their own, is to fulfill a promise with the shadow of performance.

I recommend that such legislative action be taken as will give Canadian vessels navigating our canals, and their cargoes, precisely the advantages granted to our vessels and cargoes upon Canadian canals, and that the same be measured by exactly the same rule of discrimination.

The course which I have outlined and the recommendations made relate to the honor and dignity of our country and the protection and preservation of the rights and interests of all our people. A government does but half its duty when it protects its citizens at home and permits them to be imposed upon and humiliated by the unfair and overreaching disposition of other nations. If we invite our people to rely upon arrangements made for their benefit abroad, we should see to it that they are not deceived; and if we are generous and liberal to a neighboring country, our people should reap the advantage of it by a return of liberality and generosity.

These are subjects which partisanship should not disturb or confuse. Let us survey the ground calmly and moderately; and having put aside other means of settlement, if we enter upon the policy of retaliation let us pursue it firmly, with a determination only to subserve the interests of our people and maintain the high standard and the becoming pride of American citizenship.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 27, 1888.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 27th instant (the Senate concurring), I return herewith House bill No. 10060, entitled "An act prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes."

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 7, 1888.*

To the Senate of the United States:

In reply to the resolution of the Senate in the words following—

IN THE SENATE OF THE UNITED STATES,
September 5, 1888.

Resolved, That the President is requested, if not incompatible with the public interests, to inform the Senate whether the recent treaty with China and the amendments adopted by the Senate have been ratified by the Emperor of China—

I have to communicate the annexed copies of dispatches from our minister to China, giving the only official information at hand in relation to the matter to which reference is had.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 12, 1888.*

To the Senate:

Responding to the inquiries contained in the subjoined resolution of the Senate of the 28th ultimo, I have the honor to state in reply to the subject first therein mentioned, calling upon the Executive for "copies of all communications, if any, addressed by his direction to the Government of Great Britain, remonstrating with that Government against the wrongs and unfair treatment to our citizens by the action of the Canadian Government in refunding to vessels and cargoes which pass through the Welland and other Canadian canals nearly the entire tolls if they are destined to Canadian ports, while those bound for American ports are not allowed any such advantage, and the breach of the engagement contained in the treaty of 1871 whereby Great Britain promised to the United States equality in the matter of such canal transportation; also copies of any demand made by his direction upon Great Britain for the redress of such wrongs, and the replies of Great Britain to such communication and demand," that I herewith transmit copies of all communications between the Department of State and the United States consul at Ottawa, which are accompanied by copies of the orders of the Canadian officials in relation to the subject inquired of; also correspondence between the Department of State and the British minister at this capital, with copies of the documents therein referred to.

I also inclose, as connected therewith, a copy of Executive Document No. 406, House of Representatives, Fiftieth Congress, first session, containing the answer of the Acting Secretary of the Treasury, dated July 23, 1888, in reply to a resolution of the House of Representatives relating to the navigation of the Welland Canal, and the documents thus transmitted comprise the entire correspondence in relation to the subjects referred to in that portion of the resolution of inquiry which is above quoted.

The second branch of inquiry is in the words following:

> And also that there be communicated to the Senate copies of all papers, correspondence, and information touching the matter of the refusal of the British Government, or that of any of her North American dominions, to allow the entry at Dominion seaports of American fish or other cargoes for transportation in bond to the United States since the 1st day of July, 1885.

It will be remembered that though the fishing articles of the treaty of 1871 expired on the said 1st day of July, 1885, a temporary arrangement was made whereby the privileges accorded to our fishermen under said articles were continued during the remainder of that year's fishing season.

No instance of refusal by the Canadian authorities since July 1, 1885, up to the present time to allow the entry at Dominion seaports of American cargoes other than fish for transportation in bond across the territory of Canada to the United States has been made known to the Department of State.

The case of the fishing steamer *Novelty*, involving, among other things, a refusal, on July 1, 1886, of the right to permit the transshipment of fish

in bond at the port of Pictou, Nova Scotia, was duly communicated to Congress in my message of December 8, 1886, a copy of which I herewith transmit. (Ex. Doc. No. 19, Forty-ninth Congress, second session, p. 1.)

On page 16 of this document will be found a copy of a communication addressed by the Secretary of State to the British minister, dated June 14, 1886, on the subject of the refusal of transshipment of fish in bond. At page 24 of the same publication will be found the protest of the Secretary of State in the case of the *Novelty*, and at pages 49–50 are the response of the British minister and report of the Canadian privy council.

On the 26th of January, 1887, a revised list of cases of alleged ill treatment of our fishing vessels in Canadian waters was furnished by the Secretary of State to the Committee on Foreign Relations of the Senate, in which the above case is included, a copy of which, being Senate Executive Document No. 55 of the second session Forty-ninth Congress, is herewith inclosed; and in the report by Mr. Edmunds, from the Committee on Foreign Relations (No. 1683 of the same session), the case referred to was again published. And, as relating to the subject of the resolution now before me, the following pertinent passage, taken from the said report, may be of interest:

> As regards commercial and other friendly business intercourse between ports and places in the Dominion and the United States, it is, of course, of much importance that regulations affecting the same should be mutually reasonable and fairly administered. If an American vessel should happen to have caught a cargo of fish at sea 100 miles distant from some Canadian port, from which there is railway communication to the United States, and should be denied the privilege of landing and shipping its cargo therefrom to the United States, as the Canadians do, it would be, of course, a serious disadvantage; and there is, it is thought, nothing in the treaty of 1818 which would warrant such an exclusion. But the Dominion laws may make such a distinction, and it is understood that in fact the privilege of so shipping fish from American vessels has been refused during the last year.

I also respectfully refer to Senate Miscellaneous Document No. 54, Forty-ninth Congress, second session, being a communication from the Commissioner of Fish and Fisheries to Hon. George F. Edmunds, chairman of the Committee on Foreign Relations, dated February 5, 1887, which is accompanied by a partial list of vessels injuriously treated by the Canadian authorities, based upon information furnished to the United States Commissioner of Fish and Fisheries.

This list is stated to be supplementary to the revised list which had been transmitted to the committee by the Secretary of State January 26, 1887.

Of the sixty-eight vessels comprised in this list it is stated that six, to wit, the *Nellie M. Snow*, *Andrew Burnham*, *Harry G. French*, *Col. J. H. French*, *W. H. Wellington*, and *Ralph Hodgdon*, were refused permission to transship fish. None of these cases, however, were ever reported to the Department of State by the parties interested, or were accompanied by affidavit; nor does it appear the facts ever were investigated in any

of the cases by the parties making the reports, which were obtained by circulars issued by order of the Commissioner of Fish and Fisheries.

The concluding inquiry is as follows:

And also that he communicate to the Senate what instances have occurred since the 3d of March, 1887, of wrongs to American fishing vessels or other American vessels in the ports or waters of British North America, and what steps, if any, have been taken in respect thereto.

Soon after the passage of the act of March 3, 1887, the negotiation which had been proceeding for several months previously progressed actively, and the proposed conference and the presence at this capital of the plenipotentiaries of the two Governments, out of which the since rejected treaty of February 7, 1888, eventuated, had their natural influence in repressing causes of complaint in relation to the fisheries. Therefore since March 3, 1887, no case has been reported to the Department of State wherein complaint was made of unfriendly or unlawful treatment of American fishing vessels on the part of the Canadian authorities in which reparation was not promptly and satisfactorily obtained by the United States consul-general at Halifax.

A single case of alleged unjust treatment of an American merchant vessel, not engaged in fishing, has been reported since March 3, 1887. This was the ship *Bridgewater*, which was first brought to the attention of the Department of State by the claimant by petition filed June 1, 1888.

On June 18, 1888, legal counsel, who appeared and desired to be heard, filed their formal authority and the claim was at once duly investigated, and on June 22, 1888, a communication was addressed by the Secretary of State to the British minister, which sets forth the history of the claim, and a copy of which is herewith transmitted; and of this formal acknowledgment was made, but no further reply has been received.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *September 18, 1888.*

I herewith transmit, in reply to the resolution of the Senate of the 11th instant, a copy of a report from the Secretary of State, with accompanying documents, relative to the pending treaty with China.

GROVER CLEVELAND.

To the Congress:

EXECUTIVE MANSION, *October 1, 1888.*

I have this day approved House bill No. 11336, supplementary to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

It seems to me that some suggestions and recommendations may properly accompany my approval of this bill.

Its object is to more effectually accomplish by legislation the exclusion from this country of Chinese laborers.

The experiment of blending the social habits and mutual race idiosyncrasies of the Chinese laboring classes with those of the great body of the people of the United States has been proved by the experience of twenty years, and ever since the Burlingame treaty of 1868, to be in every sense unwise, impolitic, and injurious to both nations. With the lapse of time the necessity for its abandonment has grown in force, until those having in charge the Government of the respective countries have resolved to modify and sufficiently abrogate all those features of prior conventional arrangements which permitted the coming of Chinese laborers to the United States.

In modification of prior conventions the treaty of November 17, 1880, was concluded, whereby, in the first article thereof, it was agreed that the United States should at will regulate, limit, or suspend the coming of Chinese laborers to the United States, but not absolutely prohibit it; and under this article an act of Congress, approved on May 6, 1882 (see 22 U. S. Statutes at Large, p. 58), and amended July 5, 1884 (23 U. S. Statutes at Large, p. 115), suspended for ten years the coming of Chinese laborers to the United States, and regulated the going and coming of such Chinese laborers as were at that time in the United States.

It was, however, soon made evident that the mercenary greed of the parties who were trading in the labor of this class of the Chinese population was proving too strong for the just execution of the law, and that the virtual defeat of the object and intent of both law and treaty was being fraudulently accomplished by false pretense and perjury, contrary to the expressed will of both Governments.

To such an extent has the successful violation of the treaty and the laws enacted for its execution progressed that the courts in the Pacific States have been for some time past overwhelmed by the examination of cases of Chinese laborers who are charged with having entered our ports under fraudulent certificates of return or seek to establish by perjury the claim of prior residence.

Such demonstration of the inoperative and inefficient condition of the treaty and law has produced deep-seated and increasing discontent among the people of the United States, and especially with those resident on the Pacific Coast. This has induced me to omit no effort to find an effectual remedy for the evils complained of and to answer the earnest popular demand for the absolute exclusion of Chinese laborers having objects and purposes unlike our own and wholly disconnected with American citizenship.

Aided by the presence in this country of able and intelligent diplomatic and consular officers of the Chinese Government, and the representations made from time to time by our minister in China under the instructions of the Department of State, the actual condition of public sentiment and the status of affairs in the United States have been full made known to the Government of China.

The necessity for remedy has been fully appreciated by that Government, and in August, 1886, our minister at Peking received from the Chinese foreign office a communication announcing that China, of her own accord, proposed to establish a system of strict and absolute prohibition of her laborers, under heavy penalties, from coming to the United States, and likewise to prohibit the return to the United States of any Chinese laborer who had at any time gone back to China, "in order" (in the words of the communication) "that the Chinese laborers may gradually be reduced in number and causes of danger averted and lives preserved."

This view of the Chinese Government, so completely in harmony with that of the United States, was by my direction speedily formulated in a treaty draft between the two nations, embodying the propositions so presented by the Chinese foreign office.

The deliberations, frequent oral discussions, and correspondence on the general questions that ensued have been fully communicated by me to the Senate at the present session, and, as contained in Senate Executive Document O, parts 1 and 2, and in Senate Executive Document No. 272, may be properly referred to as containing a complete history of the transaction.

It is thus easy to learn how the joint desires and unequivocal mutual understanding of the two Governments were brought into articulated form in the treaty, which, after a mutual exhibition of plenary powers from the respective Governments, was signed and concluded by the plenipotentiaries of the United States and China at this capital on March 12 last.

Being submitted for the advice and consent of the Senate, its confirmation, on the 7th day of May last, was accompanied by two amendments which that body ingrafted upon it.

On the 12th day of the same month the Chinese minister, who was the plenipotentiary of his Government in the negotiation and the conclusion of the treaty, in a note to the Secretary of State gave his approval to these amendments, "as they did not alter the terms of the treaty," and the amendments were at once telegraphed to China, whither the original treaty had previously been sent immediately after its signature on March 12.

On the 13th day of last month I approved Senate bill No. 3304, "to prohibit the coming of Chinese laborers to the United States." This bill was intended to supplement the treaty, and was approved in the confident anticipation of an early exchange of ratifications of the treaty and its amendments and the proclamation of the same, upon which event the legislation so approved was by its terms to take effect.

No information of any definite action upon the treaty by the Chinese Government was received until the 21st ultimo—the day the bill which I have just approved was presented to me—when a telegram from our

minister at Peking to the Secretary of State announced the refusal of the Chinese Government to exchange ratifications of the treaty unless further discussion should be had with a view to shorten the period stipulated in the treaty for the exclusion of Chinese laborers and to change the conditions agreed on, which should entitle any Chinese laborer who might go back to China to return again to the United States.

By a note from the chargé d'affaires *ad interim* of China to the Secretary of State, received on the evening of the 25th ultimo (a copy of which is herewith transmitted, together with the reply thereto), a third amendment is proposed, whereby the certificate under which any departing Chinese laborer alleging the possession of property in the United States would be enabled to return to this country should be granted by the Chinese consul instead of the United States collector, as had been provided in the treaty.

The obvious and necessary effect of this last proposition would be practically to place the execution of the treaty beyond the control of the United States.

Article I of the treaty proposed to be so materially altered had in the course of the negotiations been settled in acquiescence with the request of the Chinese plenipotentiary and to his expressed satisfaction.

In 1886, as appears in the documents heretofore referred to, the Chinese foreign office had formally proposed to our minister strict exclusion of Chinese laborers from the United States without limitation, and had otherwise and more definitely stated that no term whatever for exclusion was necessary, for the reason that China would of itself take steps to prevent its laborers from coming to the United States.

In the course of the negotiations that followed suggestions from the same quarter led to the insertion in behalf of the United States of a term of "thirty years," and this term, upon the representations of the Chinese plenipotentiary, was reduced to "twenty years," and finally so agreed upon.

Article II was wholly of Chinese origination, and to that alone owes its presence in the treaty.

And it is here pertinent to remark that everywhere in the United States laws for the collection of debts are equally available to all creditors without respect to race, sex, nationality, or place of residence, and equally with the citizens or subjects of the most favored nations and with the citizens of the United States recovery can be had in any court of justice in the United States by a subject of China, whether of the laboring or any other class.

No disability accrues from nonresidence of a plaintiff, whose claim can be enforced in the usual way by him or his assignee or attorney in our courts of justice.

In this respect it can not be alleged that there exists the slightest discrimination against Chinese subjects, and it is a notable fact that large

trading firms and companies and individual merchants and traders of that nation are profitably established at numerous points throughout the Union, in whose hands every claim transmitted by an absent Chinaman of a just and lawful nature could be completely enforced.

The admitted and paramount right and duty of every government to exclude from its borders all elements of foreign population which for any reason retard its prosperity or are detrimental to the moral and physical health of its people must be regarded as a recognized canon of international law and intercourse. China herself has not dissented from this doctrine, but has, by the expressions to which I have referred, led us confidently to rely upon such action on her part in cooperation with us as would enforce the exclusion of Chinese laborers from our country.

This cooperation has not, however, been accorded us. Thus from the unexpected and disappointing refusal of the Chinese Government to confirm the acts of its authorized agent and to carry into effect an international agreement, the main feature of which was voluntarily presented by that Government for our acceptance, and which had been the subject of long and careful deliberation, an emergency has arisen, in which the Government of the United States is called upon to act in self-defense by the exercise of its legislative power. I can not but regard the expressed demand on the part of China for a reexamination and renewed discussion of the topics so completely covered by mutual treaty stipulations as an indefinite postponement and practical abandonment of the objects we have in view, to which the Government of China may justly be considered as pledged.

The facts and circumstances which I have narrated lead me, in the performance of what seems to me to be my official duty, to join the Congress in dealing legislatively with the question of the exclusion of Chinese laborers, in lieu of further attempts to adjust it by international agreement.

But while thus exercising our undoubted right in the interest of our people and for the general welfare of our country, justice and fairness seem to require that some provision should be made by act or joint resolution under which such Chinese laborers as shall actually have embarked on their return to the United States before the passage of the law this day approved, and are now on their way, may be permitted to land, provided they have duly and lawfully obtained and shall present certificates heretofore issued permitting them to return in accordance with the provisions of existing law.

Nor should our recourse to legislative measures of exclusion cause us to retire from the offer we have made to indemnify such Chinese subjects as have suffered damage through violence in the remote and comparatively unsettled portions of our country at the hands of lawless men. Therefore I recommend that, without acknowledging legal liability therefor, but because it was stipulated in the treaty which has failed to take

effect, and in a spirit of humanity befitting our nation, there be appropriated the sum of $276,619.75, payable to the Chinese minister at this capital on behalf of his Government, as full indemnity for all losses and injuries sustained by Chinese subjects in the manner and under the circumstances mentioned.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, October 12, 1888.

To the Senate:

I transmit, with a view to its ratification, a convention between the United States of America and Venezuela to further extend the period for the exchange of ratifications of the claims convention of December 5, 1885, between the said contracting parties and to extend the period for the exchange of ratifications of the convention of March 15, 1888, between the same contracting parties, also relating to claims.

I invite attention to the accompanying report of the Secretary of State and the papers inclosed therein.

GROVER CLEVELAND.

VETO MESSAGES.

EXECUTIVE MANSION,
Washington, April 4, 1888.

To the House of Representatives:

I return herewith without approval House bill 2477, entitled "An act for the relief of Nathaniel McKay and the executors of Donald McKay."

It is proposed by this bill to allow the beneficiaries named therein to present to the Court of Claims for determination certain demands made by them against the Government on account of the construction of two ironclad monitors called the *Squando* and the *Nauset* and a side-wheel steamer called the *Ashuelot*.

The contracts for building these vessels were made early in 1863. It was agreed that they should be completed within six or eight months. It was also provided in these contracts that the Government "should have the privilege of making alterations and additions to the plans and specifications at any time during the progress of the work, as it may deem necessary and proper," and that if said alterations and additions should cause extra expense to the contractors the Government would 'pay for the same at fair and reasonable rates."

It thus appears that the time allowed for the completion of these vessels was with the assent of the contractors made exceedingly short; that notwithstanding this fact they consented to permit such alterations of plans as must almost necessarily prolong the time, fixing no limit to such extension, and that in the same breath they fix their measure of

compensation for such alterations and an extended time consequent thereon at "a fair and reasonable rate" for the extra expense caused thereby.

Almost immediately upon the beginning of their work alterations and changes were made in the original plans for these vessels, and they were repeated and continued to such a degree that the completion of the vessels was delayed many months.

In the latter part of the year 1864 and early in the year 1865 payments in excess of the contract price were made by the Navy Department to the contractors under the provisions of the contract above recited. The contract price for the *Squando* was $395,000. The contractors claimed extra compensation amounting to $337,329.46, and there was allowed $194,525.70. The contract price of the *Nauset* was $386,000, the extra compensation claimed was $314,768.93, and the amount allowed $192,110.98. The contract price of the side-wheel steamer *Ashuelot* was $275,000, the extra compensation claimed was $81,447.50, and the amount allowed was $22,415.92. The different sums as thus adjusted were received by the contractors in settlement of their claims for extra expense, and receipts in full were given by them to the Government.

A number of other contractors had done like work for the Government and claimed to have demands growing out of the same for extra compensation.

Evidently with the view of investigating and settling these claims, on the 9th day of March, 1865, the Senate passed the following resolution:

> *Resolved*, That the Secretary of the Navy be requested to organize a board of not less than three persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session; none but those that have given satisfaction to the Department to be considered.

This board was appointed by the Secretary of the Navy on the 25th day of May, 1865, and consisted of a commodore, a chief engineer, and a paymaster in the Navy. Its powers were broad and liberal, and comprehended an inquiry touching all things that made up "the cost to the contractors" of their work in excess of the contract price and allowances for extra work.

The board convened on the 6th day of June, 1865, and sat continuously until the 23d day of December following, and made numerous awards to contractors. The parties mentioned in the bill now under consideration were notified on the 9th and 15th days of June, 1865, to prepare and submit testimony to the board in support of their claims, and they repeatedly signified their intention to do so.

Donald McKay was the contractor for the construction of the monitor *Nauset* and the steamer *Ashuelot*. The proceedings of the board show that on the 11th day of August, 1865, he notified the board that the only

claim he made for loss was on the hull, boiler, and machinery of the *Ashuelot*, which he would be prepared to present in about six weeks.

Neither of these parties presented any statement to the board, and no claim of theirs was passed upon.

On the 2d day of March, 1867, an act was passed directing the Secretary of the Navy to investigate the claims of all contractors for building vessels of war and steam machinery for the same under contracts made after May 1, 1861, and before January 1, 1864. He was by said act required "to ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government which were not provided for in the original contract." It was further provided that there should be reported to Congress a tabular statement of each case, which should contain "the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price."

Under this act Commodore J. A. Marchand, Chief Engineer J. W. King, and Paymaster Edward Foster, of the Navy, were designated by the Secretary of the Navy to make the investigation required. These officers on the 26th day of November, 1867, made a report of their proceedings, which was submitted to the Senate with a tabulated statement of all the claims examined by them and their findings thereon.

It appears by this report that the claims of the beneficiaries mentioned in the bill herewith returned were examined by the board, and that nothing was found due thereon under the terms of the law directing their examination.

These claims have frequently been before Congress since that time. They have been favorably reported and acted upon a number of times, and have also been more than once strongly condemned by committees to whom they were referred.

A resolution was passed in 1871 by the Congress referring these and other claims of a like character to the Court of Claims for adjudication, but it was vetoed by the President for reasons not necessarily affecting the merits of the claims.

The case of Chouteau *vs.* The United States, reported in Fifth Otto, page 61, which arose out of the contract to build a vessel called the *Etlah*, appears to present the same features that belong to the claims here considered. It is stated in the report of the House committee on this bill that "the *Squando* and *Nauset* were identical in the original plans and the changes and alterations thereon with the *Etlah* and *Shiloh*, built in St. Louis;" and yet the Supreme Court of the United States distinctly decided in the *Etlah* case that the only pretext for further compensation

should be sought for in the contract, where the contractor had evidently been content to provide for all the remedy he desired.

It seems, then, that the contractors mentioned in this bill, after entering into contracts plainly indicating that changes of plans and consequent delay in their work were in their contemplation, availed themselves of the remedy which they themselves had provided, and thereupon received about 50 per cent in the case of two of these vessels of the contract price for extra work, giving the Government a receipt in full. When soon thereafter opportunity was offered them to make further claim of as broad a nature as they could desire, they failed to do so, and one of them disclaimed any right to recover on account of one of the vessels, though all are now included in the present bill. In 1867 the claims were fully examined under a law of Congress and rejected, and the Supreme Court in an exactly similar case finds neither law nor equity supporting them.

If it be claimed that no compensation has been yet allowed solely for the increase in the price of labor and material caused by delay in construction, it is no hardship to say that as the contractors made provision for change of plans and delay they must be held to have taken the risk of such rise in price and be satisfied with the provision they have made against it. Besides, much of the increase in the price of labor and material is included in the extra cost which has already been reimbursed to them.

But the bill does not provide that these contractors shall be limited in the Court of Claims to a recovery solely for loss occasioned by increase of the cost of labor and material during the delay caused by the Government. By the terms of the proposed act the court is directed to ascertain the additional cost necessarily incurred in building the vessels by reason of any changes or alterations in the plans and specifications and delays in the prosecution of the work. This, it seems to me, would enable these contractors to open the whole question of compensation for extra work.

It hardly seems fair to the Government to permit these claims to be presented after a lapse of twenty-three years since a settlement in full was made and receipts given, after the opportunity which has been offered for establishing further claims if they existed, and when, as a consequence of the contractor's neglect, the Government would labor under great disadvantages in its defense.

I am of the opinion, in view of the history of these claims and the suspicion naturally excited as to their merit, that no injustice will be done if they are laid at rest instead of being given new life and vigor in the Court of Claims.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 16, 1888.*

To the House of Representatives:

I return herewith without approval House bill No. 445, entitled "An act granting a pension to Laura A. Wright."

The beneficiary named in this bill is the widow of Charles H Wright, who was pensioned for a gunshot wound received in the military service of the United States on the 19th day of September, 1864. He continued in the receipt of such pension until June 25, 1884, when he committed suicide by hanging.

It is alleged on behalf of his widow that the pain caused by his wound was so great that it caused temporary insanity, under the influence of which he destroyed himself.

There is not a particle of proof that I can discover tending to show an unsound mind, unless it be the fact of his suicide. He suffered much pain at intervals. He was a farmer in comfortable circumstances, and according to the testimony of one of the physicians, filed in support of the widow's claim, his health was good up to the time of his death, except for the wound and its results. The day before his death he was engaged in work connected with his farming occupation, though he complained of pain from his wound. Early the next morning, still complaining, as it is alleged, of his wound, he went out, declaring he was going out to milk, and not returning in due time, upon search his body was found and his self-destruction discovered. This was nearly twenty years after the deceased received his wound, and there is not a suggestion of any act or word of his in all that time indicating insanity. It seems to me it can hardly be assumed in such circumstances that the insanity and death of the soldier resulted from pain arising from his wound, merely because no other explanation can be given. In numerous cases of suicide no cause or motive for self-destruction is discovered.

We have within our borders thousands of widows living in poverty, and some of them in need, whose dead husbands fought bravely and well in defense of the Government, but whose deaths were not occasioned by any incident of military service. In these cases the wife's long vigil at the bed of wasting disease, the poverty that came before the death, and the distressing doubt and uncertainty which darkened the future have not secured to such widows the aid of our pension laws.

With these in sight the bounty of the Government may without injustice be withheld from one whose soldier husband received a pension for nearly twenty years, though all that time able to labor, and who, having reached a stage of comfortable living, made his wife a widow by destroying his own life.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 16, 1888.*

To the Senate:

I return herewith without approval Senate bill No. 809, entitled "An act granting a pension to Betsey Mannsfield."

It is proposed to grant a pension to the beneficiary named in this bill as the mother of Franklin J. Mannsfield, who enlisted as a private April

27, 1861, and died in camp of disease on the 14th day of November, in the same year. His mother filed an application for pension in June, 1882.

The testimony filed in the Pension Bureau discloses the following facts:

At the time of the death of the soldier the family, besides himself, consisted of three persons—his father and mother and an unmarried sister. They owned and resided upon a homestead in Wisconsin comprising 293 acres, 20 of which were cleared, the balance being in timber, all unencumbered. The assessed valuation was $1,170, the real value being considerably more. The father was a farmer and blacksmith, healthy and able-bodied, and furnishing a comfortable support, but shortly after the soldier's death he began to drink and his health began to fail. Upon the marriage of the daughter he deeded her 50 acres of the land. He became indebted, and from time to time sold portions of his homestead to pay debts; but in 1882, at the time the mother's application for pension was filed, there still remained 110 acres of land, valued at about $3,300, 40 acres of which was mortgaged in 1880 for $600. Since 1879 the farm had been rented, except 8 or 10 acres reserved for a residence for the family. They owned two cows, and the rent averaged about $125 a year.

This was the condition of affairs as late as 1886, when the claim of the mother for a pension was, after investigation, rejected by the Pension Bureau, and it is supposed to be substantially the same now.

It also appears that a son, born since the soldier's death, and upward of 18 years of age, resides with his parents and furnishes them some assistance.

The claimant certainly was not dependent in the least degree upon the soldier at the time of his death, and she did not file her claim for pension until nearly twenty-one years thereafter.

Though the lack of dependence at the date of the soldier's death is sufficient to defeat a parent's claim for pension under our laws, I believe that in proper cases a relaxation of rules and a charitable liberality should be shown to parents old and in absolute need through default of the help which, it may be presumed, a son would have furnished if his life had not been sacrificed in his country's service.

But it seems to me the case presented here can not be reached by any theory of pensions which has yet been suggested.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *April 16, 1888.*

I return herewith without approval Senate bill No. 549, entitled "An act granting a pension to Hannah R. Langdon."

The husband of the beneficiary named in this bill entered the military service of the United States as assistant surgeon in a Vermont regiment

on the 7th day of October, 1862, and less than six months thereafter tendered his resignation, based upon a surgeon's certificate of disability on account of chronic hepatitis (inflammation of the liver) and diarrhea.

On the 12th day of June, 1880, more than seventeen years after his discharge, he filed a claim for pension, alleging chronic diarrhea and resulting piles. He was allowed a pension in January, 1881, and died of consumption on the 24th day of September, in the same year.

Prior to the allowance of his claim for pension he wrote to the Bureau of Pensions a full history of his disability as resulting from chronic diarrhea and piles, and in that letter he made the following statement:

> I have had no other disease, except last September (1880) I had pleurisy and congestion of my left lung.

From other sources the Bureau derived the information that the deceased had suffered an attack of pleuro-pneumonia on his left side, and that his recovery had been partial.

In December, 1880, he was examined by two members of the board of surgeons at Burlington, Vt., of which board he was also a member, and the following facts were certified:

> For the past fifteen years claimant has practiced his profession in this city, and has up to within a year or a year and a half of this date shown a vigor and power of endurance quite equal to the labor imposed upon him by the popular demand for his services. About a year ago he evinced symptoms of breaking down, cough, emaciation, and debility.

These results—"breaking down, cough, emaciation, and debility"—are the natural effects of such an attack as the deceased himself reported, though not made by him any ground of a claim for pension, and it seems quite clear that his death in September, 1881, must be chargeable to the same cause.

His widow, the beneficiary named in this bill, filed her claim for pension December 5, 1881, based upon the ground that her husband's death from consumption was due to the chronic diarrhea for which he was pensioned. Upon such application the testimony of Dr. H. H. Atwater was filed, to the effect that about 1879 he began to treat the deceased regularly for pleuro-pneumonia, followed by abscesses and degeneration of lung tissue, which finally resulted in death, and that these diseased conditions were complicated with digestive affections, such as diarrhea, dyspepsia, and indigestion. Another affidavit of Dr. Atwater, made in 1886, will be found in the report upon this bill made by the House Committee on Invalid Pensions.

The claimant's application for a pension was rejected by the Pension Bureau on the ground that the cause of her husband's death was not shown to have been connected in any degree with the disease on account of which he was pensioned or with his military service.

I am entirely satisfied that this determination was correct.

I am constrained to disapprove the bill under consideration, because

it is thus far our settled and avowed policy to grant pensions only to widows whose husbands have died from causes related to military service, and because the proposed legislation would, in my opinion, result in a discrimination in favor of this claimant unfair and unjust toward thousands of poor widows who are equally entitled to our sympathy and benevolence.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 18, 1888.*

To the Senate:

I return without approval Senate bill No. 258, entitled "An act for the relief of Major Daniel N. Bash, paymaster, United States Army."

The object of this bill is to release Paymaster Bash from all liability to the Government for the loss by theft of $7,350.93, which was intrusted to him for the payment of United States troops at various posts, one of which was Fort McKinney, in Wyoming Territory.

He started from Cheyenne Depot, accompanied by his clerk, D. F. Bash. Before starting he attempted to procure an iron safe in which he could deposit the money which he should have in his possession during his absence, but was unable to do so. It is alleged that it is customary for paymasters in such cases to be furnished with safes by the Government.

On the 17th day of March, 1887, Major Bash arrived at Douglas, Wyoming Territory, having in his possession $350.93, which was a balance left in his hands after making previous payments on the way. At Douglas he received by express $7,000, $250 of which were in silver. He was met here by an escort consisting of a sergeant and private soldier, who had been sent from Fort McKinney, and who were under orders to report to the paymaster at Douglas and to act as guard from that place to Fort McKinney.

Another unsuccessful attempt having been made at Douglas to obtain a safe or treasure box in which to carry the money, the same was put in a leather valise as the best thing that could be done in the circumstances. The money was first handed by the paymaster to his clerk, and by the clerk put in the valise and handed to the sergeant of the escort. There is evidence that the sergeant was told not to permit it to be out of his sight. Immediately after supper at Douglas the entire party entered the stage and proceeded upon their journey, the sergeant carrying the valise. Major Bash asserts that he said to the sergeant, "You must take good care of the valise; it contains the money."

The next morning, on the 18th day of March, the party arrived at Dry Cheyenne. When the paymaster went in to breakfast at that place, he found all the party at the breakfast table. After breakfast he walked out to the stage, the sergeant going at the same time. He asked him what he had done with the valise, and received the reply that it was in

the stage. He then said to the sergeant, "You ought to have brought it in with you; you should take better care of that valise." The valise was then examined and the money was found untouched.

Pursuing their journey, the party arrived at Antelope Springs, Wyoming Territory, at half past 10 o'clock the same morning. The paymaster alleges that he asked the sergeant if he should take dinner there, and that, being answered in the negative, he remarked to him that he might then stay at the stage; that he then went to the stage station, leaving the two soldiers and the clerk at the stage; that he remained at the station warming himself a short time, finding there three citizens, one of whom he afterwards learned was Parker, the thief; that he left the room in which he had been warming himself and went to the dining room, passing along the front of the house, and as he did so noticed the stage standing there with no one near it except a stock tender; that on reaching the dining room he found his entire party at the table; that he looked "pretty sharp" at the sergeant, as he was surprised to see him there, but as he was just eating his pie he (the paymaster) said nothing to him; that not more than a minute after that the sergeant and driver got up and went out; that three or four minutes after they went out they rushed back and said that the valise had been taken.

It was found that the valise and money had been taken by Parker, who had mounted a horse and ridden away. He was pursued so closely that revolver shots were exchanged between the sergeant, who was badly mounted, and the thief. The sergeant alleged that he could have shot Parker if he had been provided with a gun instead of a revolver.

The facts in relation to this subject were developed upon a court of inquiry called for that purpose; and much of the above recited is derived from the evidence of Major Bash himself, taken upon such inquiry.

The following is the finding of the court concerning the conduct of the paymaster in the premises:

> That Major Daniel N. Bash, paymaster, United States Army, did not give such direct and detailed orders to the members of the escort as to the manner in which they should guard the public money in his (Bash's) possession while en route to Fort McKinney as the importance of the matter required, and that he did not take the proper and necessary pains to see that any orders which he had given on this subject were duly obeyed.

This finding defines a case of negligence which renders the paymaster liable for the loss of these funds. But a number of army officers, including the members of the court of inquiry, suggest that the paymaster thus found at fault should be relieved from responsibility This is much the fashion in these days.

It is said that a safe should have been provided; that the paymaster had the right to rely upon the fidelity and efficiency of the escort, and that the two men furnished him as an escort were unintelligent and negligent; that they should have been armed with guns instead of pistols,

and that the instructions given to the escort by the paymaster were sufficient to acquit him of culpable neglect.

It seems to me that the omissions of care on the part of this officer are of such a nature as to render much that is urged in his favor irrelevant. He had the charge of this money. It was his care, vigilance, and intelligence which were the safeguards of its protection. If he had as full an appreciation as he indicates of the importance of having a safe, he must have known that in its absence additional care and watchfulness on his part were necessary, whatever his escort or his clerk might do.

But notwithstanding all this he seemed quite content to leave this large sum of money in the hands of those sent to him, not to have the custody of his funds, but to guard him from violence and robbery. On the very morning of the day the theft was committed he had found fault with the sergeant for leaving the money in the stage while he took breakfast, and had said to him that he (the sergeant) ought to have brought it in with him. He here furnishes his own definition of the kind of care which should have been taken of the money—the sergeant "ought to have brought it in with him;" and this suggests the idea that it would have been quite consistent with his duty, and perhaps not much beneath his dignity, if he had taken it in himself. (Chief Paymaster Terrell, in a letter favoring leniency, states that the coin could not have weighed less than 15 pounds.)

It must certainly be conceded that what then took place plainly warned him that to insure the safety of this money he must either take personal charge of it or he must at least be sure that those to whom he surrendered it were watchful and vigilant. And yet when, a few hours later, on the same day, upon arriving at Antelope Springs, he was informed by the sergeant that he did not propose to take dinner there, the paymaster almost casually said to him, "Then you stay at the stage," and he himself went to a room at the station to warm himself. When, as he went from there to the dining room, he passed the stage and saw no one near it except a stock tender, a very conservative idea of duty and care would have induced him to stop at the stage and ascertain the condition of affairs. If he had done so, he probably would have found the money there, and could have taken it in with him or watched it until some of his party came out from dinner. Instead of doing this, he himself went to the dining room, and indicated his surprise at seeing the sergeant there by looking at him sharply. However, as he was just eating his pie, nothing was said.

It is not improbable that the thief waited for the clerk and escort, and lastly the paymaster himself, to enter the dining room before venturing to take, entirely unmolested, the valise containing the money. When it is considered that after finishing his pie the sergeant came out to the stage so nearly the exact moment of the theft that, though badly mounted, he was able to approach near enough in pursuit of the fleeing

thief to exchange revolver shots with him, it is quite apparent that the loss might have been prevented if the paymaster had remained a short time by the stage when he saw it unprotected, or had taken the valise in with him, or promptly diverted the attention of the sergeant from his pie to the money which all had abandoned.

When, therefore, it is said that this loss can be charged in any degree to the neglect or default of the Government, it is answered that the direct and immediate cause of the loss was the omission on the part of this paymaster of the Government, in whose custody these funds were placed, of the plainest and simplest acts of prudence and care.

The temptation is very strong to yield assent to the proposition for the relief of a citizen from liability to the Government arising from conduct not absolutely criminal; but the bonds and the security wisely exacted by the Government from its officers to insure proper discharge of public duty will be of very limited value if everything is to be excused except actual dishonesty.

I am thoroughly convinced that the interests of the public would be better protected if fewer private bills were passed relieving officials, upon slight and sentimental grounds, from their pecuniary responsibilities; and the readiness with which army officers join in applications for the condonation of negligence on the part of their army comrades does not tend, in my opinion, to maintain that regard for discipline and that scrupulous observance of duty which should characterize those belonging to their honorable profession.

I can not satisfy myself that the negligence made apparent in this case should be overlooked.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 21, 1888.*

To the House of Representatives:

I return without approval House bill No. 823, entitled "An act granting a pension to Hannah C. De Witt."

An act the precise duplicate of this was passed at the present session of the Congress, and received Executive approval on the 10th day of March, 1888. Pursuant to said act the name of the beneficiary mentioned in the bill herewith returned has been placed upon the pension rolls. The second enactment is of course entirely useless, and was evidently passed by mistake.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 21, 1888.*

To the House of Representatives:

I return without approval House bill No. 418, entitled "An act granting a pension to William H. Brokenshaw."

The history of the military service of the beneficiary mentioned in this

bill, as derived from the records of the War Department, shows that he was received at draft rendezvous at Jackson, Mich., on the 25th day of March, 1865; that he was sent to the Twenty-fourth Regiment of Michigan Volunteers on the 29th day of the same month, and that he was present with his command, without any record of disability, from that date until the 30th day of June, 1865, when he was mustered out with his company. It will thus be seen that he was in the service a few days more than three months, just at the close of the war. It is not alleged that he did any actual fighting.

In 1883 he filed an application for pension, alleging that on the evening of the 25th of March, 1865, being the day he was received at rendezvous, he was injured in his ribs while getting into his bunk by three other recruits, who were scuffling in the room and who jumped upon him or crushed him against the side of his bunk.

An examination upon such application made in 1884 tended to show an injury to his ribs, but the claim was rejected upon the ground that no injury was incurred in the line of duty. It must be conceded that upon the claimant's own showing he was not injured as an incident to military service.

Aside from this objection, it is hardly possible that an injury of this kind, producing the consequences which it is alleged followed its infliction, could have been sustained by this soldier and not in the least interrupted the performance of his military service, though such service was very short and probably not severe. When with this it is considered that eighteen years elapsed between the date of the alleged injury and the soldier's application for pension, I am satisfied that no injustice will be done if the disposition made of this case by the Pension Bureau is allowed to stand.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 21, 1888.*

To the House of Representatives:

I return without approval House bill No. 4633, entitled "An act granting a pension to Morris T. Mantor."

The records in this case show that the beneficiary named in this bill enlisted on the 25th day of February, 1864, and that he was mustered out July 18, 1865.

It is also shown that though he was reported sick a considerable part of his period of service there is no mention of any trouble with his eyes.

In the year 1880 he filed an application for pension, alleging dropsy and disease of his eyes, caused by an explosion of ammunition.

The case was examined in 1882 and 1883, and was again specially examined very thoroughly and critically in 1885.

The evidence thus secured seemed to establish the fact that the claimant's eyes were sore for many years before enlistment, and that their

INDIAN WARFARE: EXTERMINATING DETACHMENTS

INDIANS DESTROYING DETACHMENTS

This was a favorite mode of Indian warfare. When the sound of the last yell of triumph had died away the plains gave no evidence as to the perpetrators of the deed. Though the tribes might preserve every appearance of amity, they were constantly on the alert to kill, where the chances of escaping punishment favored them.

Gen. Nelson A. Miles, who had long and honorable experience in such fighting, relates that a detachment of six men were surrounded on the open prairie by one hundred and twenty-five savages. The first fire wounded four of them, one mortally. While the others replied to the Indians' attack, one of them threw up a low embankment around a buffalo-wallow, being all the while subject to a terrific fire. The men then walked into the shelter, the wounded painfully concealing their weakness from the foe. The dying man was placed upright for the same reason. From daylight till dark, outnumbered 25 to 1, they stood at bay, each reserving one cartridge for use in the last resort, to prevent capture and torture. They were missed, searched for and rescued by their comrades.

For the story of our hundred-year struggle with the Indian, please refer to the twenty-three pages of matter under "Indian," etc., in the Encyclopedic Index.

condition before that date, during his service, and after his discharge did not materially differ. It also appeared that no pensionable disability from dropsy had existed since the filing of his application.

On these grounds the application was rejected, and I am convinced such action was entirely justified.

The reported conduct of the claimant on the last examination and his attempts to influence witnesses in their testimony add weight to the proposition, quite well established by the proof, that his claim to a pension lacks merit.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 24, 1888.*

To the House of Representatives:

I return without approval House bill No. 5247, entitled "An act granting a pension to William H. Brimmer."

The beneficiary named in this bill enlisted September 5, 1864, as a wagon master, and was discharged on the 30th day of May, 1865. There is no record of any disability during his short service.

In February, 1888, nearly twenty-three years after his discharge, he filed an application for a pension, alleging that in the fall of 1864 he was made to carry sacks of corn, which produced a weakness of the walls of the abdomen, resulting in rupture. In an affidavit filed upon said application the claimant testifies that he said nothing about his injury or disability to anyone while in the service and can furnish no evidence except his own statement.

The first and only medical evidence presented touching this claim is that of Dr. Reynolds, who examined him in 1880 or 1881, who then came to the conclusion that the claimant was suffering from an incomplete hernia, which a few months thereafter developed in the right groin. From this examination and testimony no hint is furnished that the injury was due to military service, nor any intimation that it might be.

In February, 1888, a medical examination was made under direction of the Pension Bureau, when it was found that the claimant had the general appearance of being healthy and well nourished, but that he had a small uncomplicated inguinal hernia on the right side, which was easily retained.

I can not believe upon the facts presented that an injury of the character alleged could have been sustained in the service and still permitted the performance of all the duties of wagon master for months thereafter, remaining undeveloped for so many years, and that there should now be such a lack of testimony connecting it with any incident of military service.

I believe the rejection of this claim was right and just upon its merits

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 24, 1888.*

To the House of Representatives:

I return without approval House bill 6908, entitled "An act granting a pension to William P. Witt."

The beneficiary named in the bill was enrolled for one hundred days' service on the 13th day of July, 1864, and was mustered out on the 16th day of November, in the same year. The record shows that he was reported present on all rolls until he was mustered out.

He filed a claim for pension in 1884, alleging that he incurred chronic diarrhea, liver disease, rheumatism, and a disease of the head affecting his hearing during his military service. Two comrades testify to his being sick and being in the hospital to such an extent as to wholly discredit his presence with his company. A physician testifies that he prescribed for him some time in the month of November, 1864, for liver disease and jaundice, to which rheumatism supervened, confining him six weeks or more.

There seems to be a complete hiatus of any medical or other evidence concerning his physical condition from that time until nearly twenty years thereafter, in July, 1884, when he was examined, and it was found that he had impaired hearing in both ears, but no symptoms of rheumatism, and that his liver was normal.

Without further detailing particulars, the entire complexion of this case satisfies me that the claimant contracted no pensionable disability during his one hundred days of service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 24, 1888.*

To the House of Representatives:

I return without approval House bill No. 4550, entitled "An act granting a pension to Chloe Quiggle, widow of Phillip Quiggle."

The husband of the beneficiary named enlisted February 11, 1865, and was discharged September 27, 1865. The records show that he was reported August 31, 1865, as "absent, confined in post prison at Chattanooga since August 18, 1865."

He filed a claim for pension June 25, 1880, alleging that after a march from Chattanooga to a point 1½ miles distant and back he upon his return drank some water, which produced diarrhea, since which time he had been troubled also with disease of kidneys and rheumatism.

He died in September, 1882, and the claim then pending on his behalf was completed by his widow. After a special examination the claim for diarrhea was, on the 21st day of April, 1887, allowed from September 28, 1865, to January 1, 1870, when it was shown that any disability from this cause ceased. The claim for disease of kidneys and rheumatism was rejected upon the ground that no such disabilities were shown to be due to military service.

The widow filed a claim on her own behalf August 27, 1883, alleging the death of the soldier from the results of prostration by heat while marching near Nashville, Tenn., and also from disease of kidneys, rheumatism, and chronic diarrhea.

It is reported to me that the evidence taken during a special examination of this case established that before and after enlistment the soldier was addicted to the excessive use of intoxicating liquors.

One physician stated to the examiner that shortly after the soldier's discharge he found him suffering from disease of kidneys and from rheumatism and diarrhea, but that he concluded the disease of the kidneys had been coming on for a year; that it could not have been caused by a sunstroke a few weeks previously, and that the diseases were of longer standing than that.

Another physician who attended the soldier during his last illness testified that he did not know that he suffered from any disease until the summer of 1882; that he found him suffering from retention of urine, and that the difficulty rapidly developed into an acute attack of Bright's disease; that no indications of rheumatism were found, but that the disease progressed steadily and was a well-marked case of Bright's disease of the kidneys. He also testified that the origin of the disease was no doubt recent, though possibly it might have existed in a low form for some years.

A medical examination in May, 1882, developed no disease of the kidneys.

It seems to me that all the reliable testimony in the case tends to show beyond a doubt that the soldier's death was not due to any incident of his military service. I do not find that the medical testimony given by his neighbors makes a suggestion that it was, and upon all the facts I am of the opinion that the pension which has been already allowed was a liberal disposition of the case.

The beneficiary named in this bill is aged, and it would certainly be a gratification to grant her relief; but the question is whether we do well to establish a precedent for the allowance of claims of this character in the distribution of pension funds.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 30, 1888.*

To the Senate:

I return without approval Senate bill No. 465, entitled "An act granting a pension to William Sackman, sr."

The beneficiary named in this bill served from December 24, 1861, to February 29, 1864, in the Fifth Regiment of the Missouri Militia Cavalry.

He was discharged on the day last named for disability. His certificate of discharge states his disability as follows:

Palpitation of the heart and defective lungs, the disability caused by falling off his horse near Fredericktown, Mo., while intoxicated, on detached service, in the mont

of September, 1862. Not having done any duty since, a discharge would benefit the Government and himself.

It appears that a claim for pension was filed in the year 1881, in which the claimant alleged that—

At Fredericktown, Mo., about the 10th or 12th of April, 1863, he had three ribs broken by falling from his horse while surrounded by guerrillas.

It will be seen that while the certificate of discharge mentions a fall in September, 1862, no allusion is made to any fracture of ribs, while the claimant alleges such an injury occurred in April, 1863.

In 1885 the surgeon who made the medical certificate attached to the discharge, in answer to an inquiry made by the Commissioner of Pensions, says:

I have to state that I remember the case very distinctly. I made the examination in person, and was thoroughly acquainted with the case. I read the statement on which the application for discharge was based to the man, and he consented to have the papers forwarded as they read. The application for pension is fraudulent and should not be allowed.

I have omitted references made to the habits of the soldier by this medical officer.

Of course much reliance should be placed upon these statements made by an officer whose business it was to know the exact facts, and who made his certificate at a time when such facts were fresh in his mind. There is no intimation that the surgeon who made the statement referred to was inimical to the soldier or influenced by any unjust motive.

The attempt to impeach the record thus made is based upon affidavits made by a number of the soldier's comrades, who testify to his character and habits, and only three of whom speak of an injury to the soldier caused by falling from his horse. Two of these affiants allege that they were with the claimant on detached duty when his horse took fright and ran away with him, injuring him so that he could not rise and get on his horse without assistance. So far as these affidavits are before me, no date of this occurrence is given, nothing is said as to the character of the injuries, and no reference is made to the condition of the soldier at the time. The third affiant, who speaks of an injury, says that it occurred while on duty on the march from Pilot Knob to Cape Girardeau, in the year 1862 or 1863, and that it was caused by the soldier's being thrown from his horse. He says further that the soldier was not intoxicated at that time.

No mention is made that I can discover of any fracture of the ribs except in the claimant's application for pension made in 1881, seventeen years after his discharge, and in a report of an examining surgeon made in 1882.

With no denial of the soldier's condition, as stated by the surgeon, on the part of the only parties who claim to have been present at the time

of the injury, I can not satisfy myself, in view of the other circumstances surrounding this case, that the allegations contained in the claimant's discharge are discredited.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 30, 1888.*

To the Senate:

I return without approval Senate bill No. 838, entitled "An act granting a pension to Mary Sullivan."

On the 1st day of July, 1886, an act was approved which is an exact copy of the one herewith returned. In pursuance of that act the beneficiary's name was placed upon the pension rolls.

A second law for the same purpose is of course unnecessary.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 1, 1888.*

To the House of Representatives:

I return without approval House bill No. 19, entitled "An act for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased."

The purpose of this bill is to refund to the estate of William Tinder the sum of $5,000, which was paid to the Government by his administrator in June, 1880, upon the following facts:

In 1876 two indictments were found against one Evans, charging him with passing counterfeit money. In May, 1878, he was tried upon one of said indictments and the jury failed to agree. Thereupon the prisoner entered into two recognizances in the sum of $5,000 each, with W. R. Evans and William Tinder as sureties, conditioned for the appearance of the prisoner Evans at the next term of the court, in November, 1878, for trial upon said indictment. Before that date, however, the prisoner fled the country and failed to appear according to the condition of his bond. In the meantime William Tinder died and H. B. Wilson was appointed his administrator.

Suits were brought upon the two bail bonds, and, the liability of the sureties not being admitted, the suits were tried in March, 1880, resulting in two judgments in favor of the United States and against the surety Evans and the estate of Tinder for $5,000 each and the costs.

Soon thereafter an application was made by the administrator of the estate of William Tinder for relief, and an offer was made by him to pay $5,000 and the costs in compromise and settlement of the liability of said estate upon said two judgments.

These judgments were a preferred claim against the estate, which was represented to be worth sixteen or eighteen thousand dollars. The other surety, Evans, was alleged to be worthless, and it was claimed that neither the administrator of the Tinder estate nor his attorneys had

known the whereabouts of the indicted party since his flight, and that some time would elapse before certain litigation in which the estate was involved could be settled and the claims against it paid.

It was considered best by the officers of the Government to accept the proposition of the administrator, which was done in June, 1880. The sum of $5,099.06, the amount of one of said judgments, with interest and costs, was paid into the United States Treasury, and the estate of Tinder was in consideration thereof released and discharged from all liability upon both of said judgments.

Thus was the transaction closed, in exact accordance with the wishes and the prayer of the representative of this estate and by the favor and indulgence of the Government upon his application. There was, so far as I can learn, no condition attached, and no understanding or agreement that any future occurrence would affect the finality of the compromise by which the Government had accepted one-half of its claim in full settlement.

It appears that in 1881 the party indicted was arrested and brought to trial, which resulted in his conviction; and apparently for this reason alone it is proposed by the bill under consideration to open the settlement made at the request of the administrator and refund to him the sum which he paid on such settlement pursuant to his own offer.

I can see no fairness or justice to the Government in such a proposition. I do not find any statement that the administrator delivered the prisoner to the United States authorities for trial. On the contrary, it appears from an examination made in the First Comptroller's Office that he was arrested by the marshal on the 25th day of May, 1881, who charged and was paid his fees therefor. And if the administrator had surrendered the prisoner to justice it would not entitle him to the repayment of the money he has paid to compromise the two judgments against him.

The temptation to relieve from contracts with the Government upon plausible application is, in my opinion, not sufficiently resisted; but to refund money paid into the public Treasury upon such a liberal compromise as is exhibited in this case seems like a departure from all business principles and an unsafe concession that the interests of the Government are to be easily surrendered.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 3, 1888.*

To the House of Representatives:

I return without approval House bill No. 4534, entitled "An act for the relief of Emily G. Mills."

The object of this bill is to provide a pension for the beneficiary named therein as the widow of Oscar B. Mills, late a second assistant engineer, retired, in the United States Navy. The deceased was appointed an

acting third assistant engineer in October, 1862, and in 1864 he was promoted to the place of second assistant engineer.

It is supposed that while in active service he did his full duty, though I am not informed of any distinguished acts of bravery or heroism. In February, 1871, he was before a naval retiring board, which found that he was incapacitated for active service on account of malarious fever, contracted in 1868, and recommended that he be allowed six months' leave of absence to recover his health.

In December, 1871, he was again examined for retirement, and the board found that he was not in any way incapacitated from performing the duties of his office. The next year, in 1872, another retiring board, upon an examination of his case, found that he was "laboring under general debility, the effect of intermittent fever acting upon an originally delicate constitution," and he was thereupon placed upon the retired list of the Navy.

On the 10th day of August, 1873, he was accidentally shot and killed by a neighbor, who was attempting to shoot an owl.

As long as there is the least pretense of limiting the bestowal of pensions to disability or death in some way related to the incidents of military and naval service, claims of this description can not consistently be allowed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 7, 1888.*

To the House of Representatives:

I return without approval House bill No. 1406, entitled "An act to provide for the sale of certain New York Indian lands in Kansas."

Prior to the year 1838 a number of bands and tribes of New York Indians had obtained 500,000 acres of land in the State of Wisconsin, upon which they proposed to reside. In the year above named a treaty was entered into between the United States and these Indians whereby they relinquished to the Government these Wisconsin lands. In consideration thereof, and, as the treaty declares, "in order to manifest the deep interest of the United States in the future peace and prosperity of the New York Indians," it was agreed there should be set apart as a permanent home for all the New York Indians then residing in the State of New York, or in Wisconsin, or elsewhere in the United States, who had no permanent home, a tract of land amounting to 1,824,000 acres, directly west of the State of Missouri, and now included in the State of Kansas—being 320 acres for each Indian, as their number was then computed—"to have and to hold the same in fee simple to the said tribes or nations of Indians by patent from the President of the United States."

Full power and authority was also given to said Indians "to divide said lands among the different tribes, nations, or bands in severalty," with the right to sell and convey to and from each other under such

rules and regulations as should be adopted by said Indians in their respective tribes or in general council.

The treaty further provided that such of the tribes of these Indians as did not accept said treaty and agree to remove to the country set apart for their new homes within five years or such other time as the President might from time to time appoint should forfeit all interest in the land so set apart to the United States; and the Government guaranteed to protect and defend them in the peaceable possession and enjoyment of their new homes.

I have no positive information that any considerable number of these Indians removed to the lands provided for them within the five years limited by the treaty. Their omission to do so may have been owing to the failure of the Government to appropriate the money to pay the expense of such removal, as it agreed to do in the treaty.

It is, however, stated in a letter of the Secretary of the Interior dated April 6, 1878, contained in the report of the Senate committee to whom the bill under consideration was referred, that in the year 1842 some of these Indians settled upon the lands described in the treaty; and it is further alleged in said report that in 1846 about two hundred more of them were removed to said lands.

The letter of the Secretary of the Interior above referred to contains the following statement concerning these Indian occupants:

> From death and the hostility of the settlers, who were drawn in that direction by the fertility of the soil and other advantages, all of the Indians gradually relinquished their selections, until of the Indians who had removed thither from the State of New York only thirty-two remained in 1860.

And the following further statement is made:

> The files of the Indian Office show abundant proof that they did not voluntarily relinquish their occupation.

The proof thus referred to is indeed abundant, and is found in official reports and affidavits made as late as the year 1859. By these it appears that during that year, in repeated instances, Indian men and widows of deceased Indians were driven from their homes by the threats of armed men; that in one case at least the habitation of an Indian woman was burned, and that the kind of outrages were resorted to which too often follow the cupidity of whites and the possession of fertile lands by defenseless and unprotected Indians.

An agent, in an official letter dated August 9, 1859, after detailing the cruel treatment of these occupants of the lands which the Government had given them, writes:

> Since these Indians have been placed under my charge, which was, I think, in 1855, I have endeavored to protect them; but complaint after complaint has reached me, and I have reported their situation again and again; and I hope that it will not be long when the Indians who are entitled to land under the decision of the Indian Office shall have it set apart to them.

The same agent, under date of January 18, 1860, referring to these Indians, declares:

> These Indians have been driven off their land and claims upon the New York tract by the whites, and they are now very much scattered and many of them are very destitute.

It was found in 1860 that of all the Indians who had prior to that date selected and occupied part of these lands but thirty-two remained, and it seems to have been deemed but justice to them to confirm their selections by some kind of governmental grant or declaration, though it does not appear that any of them had been able to maintain actual possession of all their selected lands against white intrusion. Thus certain special commissioners appointed to examine this subject, under date of May 29, 1860, make the following statement:

> In this connection it may be proper to remark that many of the tracts so selected were claimed by lawless men who had compelled the Indians to abandon them under threats of violence; but we are confident that no serious injury will be done to anyone, as the improvements are of but little value.

On the 14th day of September, 1860, certificates were issued to the thirty-two Indians who had made selections of lands and who still survived, with a view of securing to them such selections and at the same time granting to them the number of acres which it was provided they should have by the treaty of 1838. These certificates were made by the Commissioner of Indian Affairs, and declared that in conformity with the provisions of the treaty of 1838 there had been assigned and allotted to the person named therein 320 acres of the land designated in said treaty, which land was particularly described in said certificates, which concluded as follows:

> And the selection of said tract for the exclusive use and benefit of said reserve, having been approved by the Secretary of the Interior, is not subject to be alienated in fee, leased, or otherwise disposed of except to the United States.

In a letter dated September 13, 1860, from the Indian Commissioner to the agent in the neighborhood of these lands reference is made to the conduct of white intruders upon the same, and the following instructions were given to said agent:

> In view of these representations and the fact that these white persons who are in possession of the land are intruders, I have to direct that you will visit the New York Reserve in Kansas at your earliest convenience, accompanied by those Indians living among the Osages to whom said lands have been allotted, with a view to place them in possession of the lands to which they are entitled; and if you should meet with any forcible resistance from white settlers you will report their names to this office, in order that appropriate action may be taken in the premises, and you will inform them that if they do not immediately abandon said lands they will be removed by force. When you shall have given the thirty-two Indians peaceable possession of their lands, or attempted to do so and have been prevented by forcible resistance, you will make a report of your action to this Bureau.

The records of the Indian Bureau do not disclose that any report was ever made by the agent to whom these instructions were given.

In 1861 and 1862 mention was made by the agents of the destitute condition of these Indians and of their being deprived of their lands, and in these years petitions were presented in their behalf asking that justice be done them on account of the failure of the Government to provide them with homes.

In the meantime, and in December, 1860, the remainder of the reserve not allotted to the thirty-two survivors was thrown open to settlement by Executive proclamation. Of course this was followed by increased conflict between the settlers and the Indians. It is presumed that it became dangerous for those to whom lands had been allotted to attempt to gain possession of them. On the 4th day of December, 1865, Agent Snow returned twenty-seven of the certificates of allotment which had not been delivered, and wrote as follows to the Indian Bureau:

> A few of these Indians were at one time put in possession of their lands. They were driven off by the whites; one Indian was killed, others wounded, and their houses burned. White men at this time have possession of these lands, and have valuable improvements on them. The Indians are deterred even asking for possession. I would earnestly ask, as agent for these wronged and destitute people, that some measure be adopted by the Government to give these Indians their rights.

An official report made to the Secretary of the Interior dated February 16, 1871, gives the history of these lands, and concludes as follows:

> These lands are now all or nearly all occupied by white persons who have driven the Indians from their homes—in some instances with violence. There is great necessity that some relief should be afforded to them by legislation of Congress, authorizing the issue of patents to the allottees or giving them power to sell and convey.
>
> In this way they will be enabled to realize something from the land, and the occupants can secure titles for their homes.

Apparently in the line of this recommendation, and in an attempt to remedy the condition of affairs then existing, an act was passed on the 19th day of February, 1873, permitting heads of families and single persons over 21 years of age who had made settlements and improvements upon and were *bona fide* claimants and occupants of the lands for which the thirty-two certificates of allotments were issued to enter and purchase at the proper land office such lands so occupied by them, not exceeding 160 acres, upon paying therefor the appraised value of said tracts respectively, to be ascertained by three disinterested and competent appraisers, to be appointed by the Secretary of the Interior, who should report the value of such lands, exclusive of improvements, but that no sale should be made under said act for less than $3.75 per acre.

It was further provided that the entries allowed should be made within twelve months after the promulgation by the Secretary of the Interior of regulations to carry said act into effect, and that the money arising upon such sales should be paid into the Treasury of the United States in trust

for and to be paid to the Indians respectively to whom such certificates of allotment had been issued, or to their heirs, upon satisfactory proof of their identity, at any time within five years from the passage of the act, and that in default of such proof the money should become a part of the public moneys of the United States.

It was also further provided that any Indian to whom any certificate of allotment had been issued, and who was then occupying the land allotted thereby, should be entitled to receive a patent therefor.

Pursuant to this statute these lands were appraised. The lowest value per acre fixed by the appraisers was $3.75, and the highest was $10, making the average for the whole $4.90 per acre.

It is reported that only eight pieces, containing 879.76 acres of land taken from six of these Indian allotments, were sold under this statute to the settlers thereon, producing the sum of $4,058.06, and that the price paid in no case was less than $4.50 per acre.

It is proposed by the bill under consideration to sell the remainder of this allotted land to those who failed to avail themselves of the law of 1873 for the sum of $2.50 per acre.

Whatever may be said of the effect of the action of the Indian Bureau in issuing certificates of allotment to individual Indians as it relates to the title of the lands described therein, it was the only way that the Government could perform its treaty obligation to furnish homes for any number of Indians less than a tribe or band; and if these allotments did not vest a title in these individual Indians they secured to them such rights to the lands as the Government was bound to protect and which it could not refuse to confirm if it became necessary by the issuance of patents therefor.

These rights are fully recognized by the statute of 1873, as well as by the bill under consideration.

The right and power of the Government to divest these allottees of their interests under their certificates is so questionable that perhaps it could only be done under the plan proposed, through an estoppel arising from the acceptance of the price for which their allotted lands were sold.

But whatever the effect of a compliance with the provisions of this bill would be upon the title of the settlers to these lands, I can see no fairness or justice in permitting them to enter and purchase such lands at a sum much less than their appraised value in 1873 and for hardly one-half the price paid by their neighbors under the law passed in that year.

The occupancy upon these lands of the settlers seeking relief, and of their grantors, is based upon wrong, violence, and oppression. A continuation of the wrongful exclusion of these Indians from their lands should not inure to the benefit of the wrongdoers. The opportunities afforded by the law of 1873 were neglected, perhaps, in the hope and belief that death would remove the Indians who by their appeals for justice annoyed those who had driven them from their homes, and perhaps in

the expectation that the heedlessness of the Government concerning its obligations to the Indians would supply easier terms. The idea is too prevalent that, as against those who by emigration and settlement upon our frontier extend our civilization and prosperity, the rights of the Indians are of but little consequence. But it must be absolutely true that no development is genuine or valuable based upon the violence and cruelty of individuals or the faithlessness of a government.

While it might not result in exact justice or precisely rectify the wrong committed, it may well be that in existing circumstances the interests of the allottees or their heirs demand an adjustment of the kind now proposed. But their lands certainly are worth much more than they were in 1873, and the settlers, if they are not subjected to a reappraisement, should at least pay the price at which the lands were appraised in that year.

If the holders of the interests of the allottees have such a title as will give them a standing in the courts of Kansas, I do not think they need fear defeat by being charged with improvements under the occupying claimants' act, for it has been decided in a case to be found in the twentieth volume of Kansas Reports, at page 374, that—

> Neither the title nor possession of the Indian owner, secured by treaty with the United States Government, can be disturbed by State legislation; and the occupying claimants' act has no application in this case.

And yet the delay, uncertainty, and expense of legal contests should be considered.

I suggest that any bill which is passed to adjust the rights of these Indians by such a general plan as is embodied in the bill herewith returned should provide for the payment by the settlers within a reasonable time of an appraised value, and that in case the same is not paid by the respective occupants that the lands be sold at public auction for a price not less than the appraisement.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 9, 1888.*

To the House of Representatives:

I return without approval House bill No. 4357, entitled "An act to erect a public building at Allentown, Pa."

The accommodation of the postal business is the only public purpose for which the Government can be called on to provide, which is suggested as a pretext for the erection of this building. It is proposed to expend $100,000 for a structure to be used as a post-office. It is said that a deputy collector of internal revenue and a board of pension examiners are located at Allentown, but I do not understand that the Government is obliged to provide quarters for these officers.

The usual statement is made in support of this bill setting forth

the growth of the city where it is proposed to locate the building and the amount and variety of the business which is there transacted; and the postmaster in stereotyped phrase represents the desirability of increased accommodation for the transaction of the business under his charge.

But I am thoroughly convinced that there is no present necessity for the expenditure of $100,000 for any purpose connected with the public business at this place.

The annual rent now paid for the post-office is $1,300.

The interest, at 3 per cent, upon the amount now asked for this new building is $3,000. As soon as it is undertaken the pay of a superintendent of its construction will begin, and after its completion the compensation of janitors and other expenses of its maintenance will follow.

The plan now pursued for the erection of public buildings is, in my opinion, very objectionable. They are often built where they are not needed, of dimensions and at a cost entirely disproportionate to any public use to which they can be applied, and as a consequence they frequently serve more to demonstrate the activity and pertinacity of those who represent localities desiring this kind of decoration at public expense than to meet any necessity of the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 10, 1888.*

To the House of Representatives:

I return without approval House bill No. 7715, entitled "An act for the relief of Georgia A. Stricklett."

By the terms of this bill a pension is allowed to the beneficiary above named, whose husband died on the 21st day of July, 1873. It appears from the records that he was mustered into the service to date from October 10, 1863, to serve for one year. It is alleged in the report of the committee of the House who reported this bill that he was wounded with buckshot in the face and head by bushwhackers, when on recruiting service, on the 23d day of July, 1863. If these dates are correct, he was wounded before he entered the service; but this fact is not made the basis of the disapproval of the widow's application for relief. There seems, however, to be no mention of any such injury during his term of service, though he is reported sick much of the time when present with his regiment, and is reported as once in hospital for a disease which, to say the least of it, can not be recognized as related to the service.

The soldier himself made no application for pension.

A physician testifies that he was present on the 21st day of July, 1873, when the soldier died; that he examined the body after death, and to the best of his knowledge such death was caused partially by epilepsy, and that the epilepsy was the result of "wounds about the face and head received during his service during the war."

Another physician testifies that the soldier applied to him for treatment in 1868, and that his disability was the development of confirmed epilepsy, and he expresses the opinion that this was due to a wound from a buckshot. This physician, while not giving epilepsy as the cause of death, says that "had he lived to die a natural death he certainly would have died an insane epileptic."

The report speaks of his death by "an accidental shot."

The truth appears to be that he was killed by a pistol shot in an altercation with another man.

Unless it shall be assumed that the epilepsy was caused by the buckshot wound spoken of, and unless a pension should be allowed because, if the soldier had not been killed in an altercation, he might have soon died from such epilepsy, this bill is entirely devoid of merit.

Surely no one will seriously propose that a claim for pension should rest upon a conjecture as to what would have caused death if it had not occurred in an entirely different way.

The testimony of the physician who testified in this case that death was caused partially by epilepsy suggests the extreme recklessness which may characterize medical testimony in applications for pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 18, 1888.*

To the House of Representatives:

I return without approval House bill No. 2282, entitled "An act to pension Mrs. Theodora M. Piatt."

The deceased husband of the beneficiary named in this bill served faithfully and well in the volunteer service, and after his discharge as major entered the Regular Army and was on the retired list at the time of his death, which occurred on the 17th day of April, 1885. At that time he seems to have been engaged in the practice of the law at Covington, Ky.

He does not appear to have contracted any distinct and definite disability in his army service, though his health and strength were doubtless somewhat impaired by hardship and exposure.

It is conceded that he committed suicide by shooting himself with a pistol.

A coroner's inquest was held and the following verdict was returned:

Benjamin M. Piatt came to his death from a pistol bullet through the brain, fired from a pistol in his own hand, with suicidal intent, while laboring under a fit of temporary insanity, caused by morbid sensitiveness of wasted opportunities and constantly brooding over imaginary troubles and financial difficulties.

It is said in support of his widow's claim for pension that, being lame as a result, in part at least, of his military service, he, by reason of such lameness, fell from a staircase a few months before his death, the injury

from which affected his mind, causing insanity, which in its turn resulted in his suicide.

Much interest is manifested in this case, based upon former friendship and intimacy with the deceased and kind feeling and sympathy for his widow. I should be glad to respond to these sentiments to the extent of approving this bill, but it is one of the misfortunes of public life and official responsibility that a sense of duty frequently stands between a conception of right and a sympathetic inclination.

The verdict returned upon the coroner's inquest, founded upon a friendly examination of all the facts surrounding the melancholy death of this soldier, made at the time of death and in the midst of his neighbors and friends, both by what it contains and by what is omitted, together with the other facts developed, leads me to the conclusion that if a pension is granted in this case no soldier's widow's application based upon suicide can be consistently rejected.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 18, 1888.*

To the House of Representatives:

I return without approval House bill No. 5545, entitled "An act granting a pension to Nancy F. Jennings."

William Jennings, the husband of the beneficiary named in this bill, enlisted in October, 1861, and was discharged June 24, 1862, upon a surgeon's certificate of disability, the cause of disability being therein stated as "hemorrhoids."

He never applied for a pension, and died in 1877 of apoplexy.

In the report of the committee which reported this bill the allegation is made that the deceased came home from the Army with chronic diarrhea and suffered from the same to the date of his death.

The widow filed a claim for pension in 1878, which was rejected on the ground that the fatal disease (apoplexy) was not due to military service nor the result of either of the complaints mentioned.

If we are to adhere to the rule that in order to entitle the widow of a soldier to a pension the death of her husband must be in some way related to his military service, there can be no doubt that upon its merits this case was properly disposed of by the Pension Bureau.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 18, 1888.*

To the House of Representatives:

I return without approval a joint resolution, which originated in the House of Representatives, "authorizing the use and improvement of Castle Island, in Boston Harbor."

This island is separated from the mainland of the city of Boston by a channel over one-half mile wide. Fort Independence is located on the island, and it is regarded by our military authorities as quite important to the defense of the city.

The proposition contained in the joint resolution is to permit the city of Boston, through its park commissioners, to improve and beautify this island in connection with a public park to be laid out in the city, with the intention of joining the mainland and the island by the construction of a viaduct or causeway across the water now separating the same.

It is quite plain that the occupancy of this island as a place of pleasure and recreation, as contemplated under this resolution, would be entirely inconsistent with military or defensive uses. I do not regard the control reserved in the resolution to the Secretary of War over such excavations, fillings, and structures upon the island as may be proposed as of much importance. When a park is established there, the island is no longer a defense in time of need.

This scheme, or one of the same character, was broached more than four years ago, and met the disapproval of the Secretary of War and the Engineer Department.

I am now advised by the Secretary of War, the Chief of Engineers, and the Lieutenant-General of the Army, in quite positive terms, that the resolution under consideration should not, for reasons fully stated by them, become operative.

I deem the opinions of these officers abundant justification for my disapproval of the resolution without further statement of objections.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 18, 1888.*

To the Senate.

I return without approval Senate bill No. 1064, entitled "An act for the relief of L. J. Worden."

This bill directs the Postmaster-General to allow to L. J. Worden, recently the postmaster at Lawrence, Kans., the sum of $625 paid out by him as such postmaster for clerk hire during the period from July 1, 1882, to June 30, 1883.

The allowances to these officers for clerk hire and other like expenses are fixed in each case by the Post-Office Department and are paid out of an appropriation made in gross to cover them all. The excess of receipts for box rents and commissions over and above the salary of the postmaster is adopted by law as the maximum amount of such allowances in each case, and within that limit the amount appropriated is apportioned by the Post-Office Department to the different offices according to their needs.

The allowances to the Lawrence post-office for the year ending June

30, 1883, was $3,100. This was fully its proportion of the appropriation made by Congress for that year, and as much as was in most cases given to other offices of the same grade. In September, 1882, during the first quarter of the year in question, the postmaster made application for an increase of his allowances, which was declined, and a similar application in December of the same year was also declined. The reason given for noncompliance with this request in both cases was a lack of funds. It is the rule to make only such allowances in any year as can be paid from the appropriation made for that period.

No further application for increase of allowances was made by Mr. Worden until March, 1884, when the same were increased $300 for the year, to date from the 1st day of January preceding.

It was found at that time, after a full and fair investigation by the Department, which had in hand abundant funds for an increase of these allowances, that notwithstanding the increase of business at this post-office, $300 added to the allowances for the year from July 1, 1882, to June 30, 1883, was sufficient; and yet more than twice that sum is added by the bill under consideration to the allowances for the year last named.

Forty-four postmasters have submitted vouchers, amounting to nearly $9,000, for clerk hire during that year in excess of allowances; but they were all rejected, and I understand have not been insisted upon.

I assume that the Post-Office Department in 1884 dealt justly and fairly by the postmaster at Lawrence, and upon this theory, if he should be reimbursed any expenditure for a previous year, the demand he now makes is excessive.

But the cases should be exceedingly rare in which postmasters are awarded any more than the allowances made by the Department officers. They have the very best means of ascertaining the amount necessary to meet the demands of the service in any particular case, and it certainly may be assumed that they desire to properly accommodate the public in the matter of postal facilities. When the appropriation is sufficient, the decision of the Department should be final; and when the money in hand does not admit of adequate allowances, postmasters should only be reimbursed money voluntarily expended by them when recommended by the Postmaster-General.

Any other course leads to the expenditure of money by postmasters for work which they should do themselves and to the employment of clerks which are unnecessary. The least encouragement that they may be repaid such expenditure by a special appropriation would dangerously tend to the substitution of their judgment for that of the Department and to the relaxation of wholesome discipline.

I think, when the application of Mr. Worden for an increase in his allowances was twice declined for any cause during the year covering his present demand, that if he made personal expenditures for clerk hire, and especially if he did so without the encouragement of the Department,

they were made at his own risk. It appears, too, that the amount of his claim is larger than can be justified in any event.

GROVER CLEVELAND.

The time allowed the Executive by the Constitution for the examination of bills presented to him by Congress for his action expired in the case of the bill herewith returned on Saturday, May 19. The Senate adjourned or took a recess on Thursday afternoon, May 17, until to-day, the 21st of May.

On the day of said recess or adjournment the above message, disapproving said bill and accompanying its return to the Senate, where it originated, was drawn, and on May 18 was engrossed and signed. On Saturday, the 19th of May, the Senate not being in session, the message and the bill were tendered to the Secretary of the Senate, who declined to receive them, and thereupon they were on the same day tendered to the President of the Senate, who also declined to receive the same, both of these officials claiming that the return of said bill and the delivery of said message could only properly be made to the Senate when in actual session.

They are therefore transmitted as soon as the Senate reconvenes after its recess, with this explanation.

GROVER CLEVELAND.

[May 22 the Senate proceeded, as the Constitution prescribes, to reconsider the said bill returned by the President of the United States with his objections, pending which it was ordered that the said bill and message be referred to the Committee on Privileges and Elections. No action was taken.]

EXECUTIVE MANSION, *May 19, 1888.*

To the House of Representatives:

I return without approval House bill No. 88, entitled "An act granting a pension to Sally A. Randall."

Antipas Taber enlisted in the War of 1812 and was discharged in the year 1814. There is no claim made that he received any injury in the Army or that his death, which happened long after his discharge, was in the slightest degree related to his military service. It does not appear that he ever made any application for a pension or was ever upon the pension rolls. He died at Trinidad, in the island of Cuba, April 11, 1831, leaving as his widow the beneficiary mentioned in this bill. About twenty-two years after his death, and in February, 1853, she married Albert Randall, and twenty years thereafter, in October, 1873, Randall died, leaving her again a widow.

It is alleged in the report of the committee in the House to which this bill was referred that Mrs. Randall is a worthy woman, 75 years of age, in needy circumstances, with health much impaired, and that the petition

for her relief was signed by prominent citizens of Norwich, Conn., where she now resides.

All this certainly commends her case to the kindness and benevolence of the citizens mentioned, and the State of Connecticut ought not to allow her to be in needy circumstances.

It seems to me, however, that it would establish a bad precedent to provide for her from the Federal Treasury. From the statement of her present age she must have been born during the time of her first husband's enlistment. She knew nothing of his military service except as the same may have been detailed to her. Her first widowhood had no connection with any incident or condition of health traceable to such service, and her second husband, with whom she lived for twenty years, never entered the military service of the Government.

I do not see how the relief proposed can be granted in this case without an unjustifiable departure from the rules under which applications for pension should be determined.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 19, 1888.*

To the House of Representatives:

I return without approval House bill No. 879, entitled "An act granting a pension to Royal J. Hiar."

The beneficiary named in this bill enlisted November 11, 1861, in the First Regiment of Michigan Engineers and Mechanics. He is reported as absent without proper authority from May 24, 1862, to January 15, 1863, when he was discharged by reason of varicose veins of the left leg and thigh, claimed to have existed before enlistment.

He filed a claim for pension August 30, 1876, alleging disease of the right side and hip, due to typhoid pneumonia, contracted while repairing a hospital tent in March, 1862.

There is no record of this disease. The proof he furnishes of the same is extremely slight, though he was furnished ample opportunity. The disability of which he complains has no natural relation to the sickness he claims to have had during his service, but is quite a natural result of "an injury while logging," to which some of the witnesses examined in a special examination of the case attribute it.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 19, 1888.*

To the House of Representatives:

I return without approval House bill No. 5234, entitled "An act granting a pension to Cyrenius G. Stryker."

The beneficiary named in this bill enlisted for nine months in September, 1862, and was discharged June 27, 1863.

His enlistment was in Company A, Thirtieth New Jersey Regiment. The bill proposes to pension him as "a private in Company A, Thirtieth Regiment New York Volunteers."

He alleges that he was pushed or fell from the platform of a car in which he was transported to Washington after enlistment and injured his spine. On the claim which he presented to the Pension Bureau in June, 1879, repeated medical examinations failed to reveal any disability from the cause alleged, and after a special examination his claim was rejected because, with the assistance of such special examination, the claimant did not prove the origin of alleged injury in service and the line of duty or a pensionable degree of disability therefrom since discharge.

The evidence now offered in support of this claim appears to have reference to a time long anterior to its rejection by the Pension Bureau in 1886, and does not impeach the finding of the Bureau that at the latter date there existed no pensionable disability.

GROVER CLEVELAND.

EXECUTIVE MANSION. *May 19, 1888.*

To the House of Representatives:

I return without approval House bill No. 3579, entitled "An act granting a pension to Ellen Shea."

This beneficiary is an old lady and a widow. Her son, Michael Shea, enlisted in January, 1862. The records show that he was sick on one or two occasions during his service. He is also reported as a deserter and absent without leave and in arrest and confinement fully as often as he was sick. He was discharged January 20, 1865.

No application for a pension has been made on his behalf. The mother filed a claim for pension in July, 1884, alleging that her son contracted a fever in the service which resulted in insanity, which was the cause of his death on the 10th day of March, 1884.

He was killed by a snow slide in the State of Colorado. The only hint that his death was in any way connected with the service is the suggestion that not having the proper use of his mind he wandered away and was killed.

His mother now lives in Chicago and, I suppose, lived there at the time of her son's death. There is very little evidence offered of any unsoundness of mind, and his death occurring at Woodstock, Colo., it is hardly to be supposed that he wandered that far. And as tending to show that unsoundness of mind had nothing to do with his death it may be mentioned that an attorney having the mother's application for pension in charge withdrew from the case in October, 1884, for the reason that, having made inquiries at the place where the soldier was killed, he found that his death was caused by a snow slide, and that he was informed that a number of other persons lost their lives at the same time.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 19, 1888.*

To the House of Representatives:

I return without approval House bill No. 8164, entitled "An act granting a pension to William H. Hester."

It is claimed that the beneficiary named in this bill was injured by sand blowing in his eyes during a sand storm while in the service in the year 1869, resulting in nearly if not quite total blindness.

It is conceded in the report of the committee to which this bill was referred in the House that the claim for pension made by this man to the Pension Bureau was largely supported by perjury and forgery; but the criminality of these methods is made to rest upon three rogues and scoundrels who undertook to obtain a pension for the soldier, and it is stated by the committee as their opinion that the claimant himself was innocent of any complicity in the crimes committed and attempted.

I have quite a full report of the papers filed and proceedings taken in relation to the claim presented to the Pension Bureau, and I am sorry that I can not agree with the committee of the House as to the merits of the application now made or the good faith and honesty of the beneficiary named in the bill herewith returned.

Among the facts presented I shall refer to but one or two touching the conduct of the claimant himself.

Upon his examination, under oath, by a special examiner, he stated that he was brought to Washington to further his claim by a man named Miller, one of the rascally attorneys spoken of in the committee's report; that Miller was to pay his expenses while in Washington, and was to receive one-third of the money paid upon the claim.

This is not the conduct of a man claiming in good faith a pension from the Government.

He further stated under oath that his eyes became affected about January 15, 1869, by reason of a sand storm; that the sand blew into them and cut them all to pieces; that he was thereafter hardly able to see or get around and wait on himself, and that Edward N. Baldwin took care of him in his tent.

This Mr. Baldwin was found by the special examiner and testified that he knew the claimant and served in same regiment and bunked with him; that he never knew of the sand storm spoken of by Hester; that he never knew that he had sore eyes in the service; that he (Baldwin) did not take care of him when he was suffering with sore eyes, and that he never knew of Hester being sick but once, and that was when he had eaten too much. He was shown an affidavit purporting to be made by him and declared the entire thing to be false and a forgery.

I believe this claim for pension to be a fraud from beginning to end, and the effrontery with which it has been pushed shows the necessity of a careful examination of these cases.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 19, 1888.*

To the House of Representatives:

I return without approval House bill No. 6609, entitled "An act for the relief of Sarah E. McCaleb."

The husband of the beneficiary named in this bill was wounded in the head at the battle of Fort Donelson on the 15th day of February, 1862. He served thereafter and was promoted, and was discharged June 30, 1865.

He died by suicide in 1878.

He never applied for a pension.

The suggestion is made that the wound in his head predisposed him to mental unsoundness, but it does not appear to be claimed that he was insane.

I can not believe that his suicide had any connection with his army service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 19, 1888.*

To the House of Representatives:

I return without approval House bill No. 4580, entitled "An act granting a pension to Farnaren Ball."

In the report of the committee to which this bill was referred the name of this beneficiary is given as "Farnasen Ball," and in a report from the Pension Bureau it is insisted that the correct name is "Tamezen Ball."

Her son, Augustus F. Coldecott, was pensioned for disease of the lungs up to the time of his death, which occurred June 2, 1872.

The cause of his death was an overdose of laudanum, and whether it was taken by mistake or design is uncertain.

The mother is not entirely destitute, deriving an income, though small, from the interest upon a mortgage given to her upon a sale of some real estate.

The proofs with which I have been furnished fail to satisfy me that the Government should grant a pension on account of death produced by a self-administered narcotic in the circumstances which surround this case.

As a general proposition I see nothing unjust or unfair in holding that if a pensioner is sick and through ignorance or design takes laudanum without the direction or regulation of a physician the Government should not be held responsible for the consequences.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 26, 1888.*

To the House of Representatives:

I return without approval House bill No. 339, entitled "An act for the relief of J. E. Pilcher."

This bill authorizes the Secretary of the Treasury to pay to the party

named therein the sum of $905, being the amount of one bond of $100 and $805 in paper money of the Republic of Texas.

It is directed, however, that this money be paid out of the Texas indemnity fund.

This fund was created under a law passed on the 28th day of February, 1855, appropriating the sum of $7,750,000 to pay certain claims against the Republic of Texas. By the terms of said law a certain time was fixed within which such claims were to be presented to the Treasury Department.

Between the passage of said act and the year 1870 the sum of $7,648,786.73 was paid upon said claims, leaving of the money appropriated an unexpended balance of $101,213.27.

This balance was on the 30th day of June, 1877, carried to the surplus fund and covered into the Treasury, pursuant to section 5 of chapter 328 of the laws of 1874.

Thus since that date it seems there has been no Texas indemnity fund, nor is there any such fund now from which the money mentioned in the bill herewith returned can be paid.

In this condition of affairs the proposed law could not be executed and would be of no possible use.

If the claims mentioned are such as should be paid by the United States, there appears to be no difficulty in making an appropriation for their payment from the general funds of the Government. I notice an item to meet a similar claim was inserted in a deficiency bill passed on the 7th day of July, 1884.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 28, 1888.*

To the Senate:

I return without approval Senate bill No. 347, entitled "An act to provide for the erection of a public building in the city of Youngstown, Ohio."

By the census of 1880 the population of Youngstown appears to be 15,435. It is claimed by those urging the erection of a public building there that its population has nearly doubled since that date. The amount appropriated in the bill herewith returned is $75,000. There does not seem to be any governmental purpose to which such a building could be properly devoted except the accommodation of the post-office.

I have listened to an unusual amount of personal representation in favor of this bill from parties whose desires I should be glad to meet on this or any other question; but none of them have insisted that there is any present governmental need of the proposed new building even for postal purposes. On the contrary, I am informed that the post-office is at present well accommodated in quarters held under a lease which does not expire, I believe, until 1892. A letter addressed to the postmaster at Youngstown containing certain questions bearing upon the necessity of

a new building failed to elicit a reply. This fact is very unusual and extraordinary, for the postmaster can almost always be relied upon to make an exhibit of the great necessity of larger quarters when a new public building is in prospect.

The fact was communicated to me early in the present session of the Congress that the aggregate sum of the appropriations contained in bills for the erection and extension of public buildings which had up to that time been referred to the House Committee on Public Buildings and Grounds was about $37,000,000.

Of course this fact would have no particular relevancy if all the buildings asked for were necessary for the transaction of public business, as long as we have the money to pay for them; but inasmuch as a large number of the buildings proposed are unnecessary and their erection would be wasteful and extravagant, besides furnishing precedents for further and more extended reckless expenditures of a like character, it seems to me that applications for new and expensive public buildings should be carefully scrutinized.

I am satisfied that the appropriation of $75,000 for a building at Youngstown is at present not justified.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *May 28, 1888.*

I return without approval Senate bill No. 1237, entitled "An act granting a pension to Anna Mertz."

The beneficiary named in this bill is the widow of Charles A. Mertz, who served in the Army as captain from April, 1862, to June, 1863, when he resigned on account of impaired health. It is stated in the committee's report that after his return from the Army he worked occasionally at his trade, though subject to attacks of very severe diarrhea, accompanied with acute catarrhal pains in the head and face, which he constantly attributed to his army service.

It is alleged that he had several times taken morphine, under medical advice, to allay pain caused by these attacks.

He did not apply for a pension.

On the 1st day of December, 1884, more than twenty-one years after his discharge from the Army, he died from an overdose of morphine self-administered, for the purpose, it is claimed, of alleviating his suffering.

I do not think that in this case the death of the soldier was so related to his military service as to entitle his widow to a pension.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *May 28, 1888.*

I return without approval Senate bill No. 820, entitled "An act granting a pension to David A. Servis."

The beneficiary named in this bill enlisted August 14, 1862, and was discharged June 8, 1865.

It is alleged that about the month of January, 1863, a comrade, by way of a joke, put powder into a pipe which the beneficiary was accustomed to smoke and covered it with tobacco, so that when he lighted it the powder exploded and injured his eyes. The report of the Senate committee states that it does not appear that "any notice was taken of this wanton act of his tent mate."

There is no mention of any disability or injury in the record of the soldier's service. He seems to have served nearly two years and a half after the injury. He filed an application for a pension in May, 1885, more than twenty-two years thereafter.

Whatever may be the extent of the injury sustained, in regard to which the evidence is apparently quite meager, I can not see that it was such a result of military service as to entitle the applicant to a pension.

The utmost liberality to those who were in our Army hardly justifies a compensation by way of pension for injuries incurred in sport or pastime or as the result of a practical joke.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 28, 1888.*

To the Senate:

I return without approval Senate bill No. 835, entitled "An act for the relief of Elisha Griswold."

The beneficiary named in this bill, which awards him a pension, enlisted in January, 1864, and was discharged February 12, 1866.

His claim for pension, as developed in the report of the Senate Committee on Pensions, is based upon the allegation that in January, 1866, he fell from a swing which had been put up in the building occupied as a barrack and struck on his head and shoulder.

The committee report in favor of the bill upon the grounds that the soldier was injured "while engaged in recreation" and that "such recreation is a necessary part of a soldier's life."

The beneficiary filed an application in January, 1880, and in support of such application he filed on the 16th day of July, 1886, an affidavit in which he testifies that at the time of the injury he was in prison at San Antonio, Tex., upon charges the character of which he could not ascertain, and that the swing from which he fell was erected by himself and others for pastime and exercise.

It will be seen that the injury complained of is alleged to have been sustained less than a month before his discharge. There is, however, no record of any disability.

His claim based upon this injury was, in my opinion, properly rejected as having no connection with his military service, and I think the facts in his case as herein detailed do not justify the award of a pension to him by special enactment.

On the 23d day of March, 1888, after the introduction of the bill herewith returned, the beneficiary, apparently having abandoned the claim upon which the bill is predicated, filed another application for a pension in the Pension Bureau, alleging that he contracted diarrhea and malarial poisoning in the service. This application is still pending.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 29, 1888.*

To the House of Representatives:

I return without approval House bill No. 1275, entitled "An act for the erection of a public building at Columbus, Ga., and appropriating money therefor."

The city of Columbus, Ga., is undoubtedly a thriving, growing city. The only present necessity for a public building there is for the accommodation of its post-office. It is stated in the report of the House committee that the gross revenues of the office for the year ending June 30, 1887, were $16,700. The postmaster, in a letter upon the subject, makes the following statement:

> I estimate the gross receipts at $17,500 for the fiscal year ending March 31, which will be an increase of nearly 7 per cent over last year's receipts.

There are nine persons employed in the post-office at present, including the postmaster. The present quarters are leased by the Government at an annual rent of $900. The postmaster represents that his accommodations are not adequate or convenient, and that instead of a space of 1,900 square feet, which he now has, he should be provided with 2,500 square feet.

The population of the city in 1880 was 10,123. It is claimed that it is now about 20,000.

In my opinion the facts presented do not exhibit the necessity of the expenditure of $100,000 to afford the increased room for the post-office which may be desirable. I believe a private person would erect a building abundantly sufficient for all our postal needs in that city for many years to come for one-third of that sum.

Business prudence and good judgment seem to dictate that the erection of the proposed building should be delayed until its necessity is more manifest, and so that it can be better determined what expenditure for such a purpose will be justified by the continued growth of the city and the needs of the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 5, 1888.*

To the House of Representatives:

I return herewith without approval House bill No. 4467, entitled "An act for the erection of a public building at Bar Harbor, in Maine."

The entire town within which Bar Harbor is situated contained in 1880 1,639 inhabitants, as appears by the census of that year.

There is no pretense that there is any need of a public building there except to accommodate the post-office.

This is a third-class office, and the Government does not pay the rent for offices of that class. The gross receipts of the office for the year ended June 30, 1887, are reported by the Postmaster-General at $5,337. The postmaster reports that he employs five clerks in the summer and three in the winter. The fact that Bar Harbor is a place of very extensive summer resort makes its population exceedingly variable, and during a part of the year it is quite likely that the influx of pleasure seekers may make a more commodious post-office desirable, though there does not seem to be much complaint of present inconvenience.

The postmaster pays a rent of $500 per annum for his present quarters.

The amount appropriated by the bill is quite moderate, being only $25,000, but the postmaster expresses the opinion that a proper site alone would cost from twenty to thirty thousand dollars.

I am decidedly of the opinion that if a public building is to be erected at this place, of which at present there appears to be no necessity, it should be done under a system which will not give the post-office and the postmaster there an advantage over others of their class.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 5, 1888.*

To the House of Representatives:

I return without approval House bill No. 1394, entitled "An act authorizing the Secretary of the Treasury to purchase additional ground for the accommodation of Government offices in Council Bluffs, Iowa."

A new public building at Council Bluffs will be completed in a short time. The ground upon which it is located has a frontage of 192 feet and a depth of 106 feet and 10 inches. The proposition is to add 30 feet to its depth. The act under which this building has been thus far constructed provides that the ground purchased therefor shall be of such dimensions as to leave the building unexposed to fire by an open space of at least 40 feet, including streets and alleys. The building is located on land now belonging to the Government sufficient in size to comply with this provision, and in point of fact more than the open space required is left on all sides of the same. There is no pretense that any enlargement of the building is necessary or contemplated.

The report of the committee to which this bill was referred in the House simply states that "the grounds on which said building is situated are inadequate for its proper accommodation and safety."

If this is so, I can see no reason why additional ground should not be purchased for "the proper accommodation and safety" of a large

proportion of the public buildings completed and in process of erection, since the provision that there shall exist 40 feet of open space on all sides is, I think, contained in all the bills authorizing their construction. In this view the proposed legislation would establish a very bad precedent.

It is provided in the bill that the additional 30 feet mentioned shall be purchased for a sum not to exceed $10,000. The adjoining 106 feet and 10 inches, located on the corner of two streets, were purchased in the year 1882 by the Government for $15,000. The permission to purchase this addition at a price per foot greatly in excess of that already owned by the Government seems so unnecessary, except to benefit the owner, that I am of the opinion it should not be granted.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 5, 1888.*

To the Senate:

I return without approval Senate bill No. 739, entitled "An act granting a pension to Johanna Loewinger."

The husband of the beneficiary named in this bill enlisted June 28, 1861, and was discharged May 8, 1862, upon a surgeon's certificate of disability. He was pensioned for chronic diarrhea. He died July 17, 1876. A coroner's inquest was held, who found by their verdict that the deceased came to his death "from suicide by cutting his throat with a razor, caused by long-continued illness."

This inquest was held immediately after the soldier's death, and it appears that the case was fully investigated, with full opportunities to discover the truth. Upon the verdict found, in the absence of insanity caused by any disability, it can hardly be claimed that his death was caused by his military service. The attempts afterwards to impeach this verdict and introduce another cause of death do not seem to be successful.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 12, 1888.*

To the Senate:

I return without approval Senate bill No. 1772, entitled "An act for the relief of John H. Marion."

It is proposed by this bill to relieve the party named therein from an indebtedness to the Government amounting to $1,042.45, arising from the nonfulfillment of a contract made by him in 1884 with the Government, by which he agreed to furnish for the use of the Quartermaster's Department a quantity of grama hay.

The contractor wholly failed to furnish the hay as agreed, and thereupon the Government, pursuant to the terms of the contract, obtained the hay in other quarters, paying therefor a larger sum by $1,042.45 than

it would have been obliged to pay the contractor if he had fulfilled his agreement. This amount was charged against the contractor.

It is alleged that the crop of the particular kind of hay which was to be furnished under the contract failed the season in which it was to be supplied on account of drought, and that thus performance became impossible on the part of the contractor.

Between individuals no injustice could be claimed if the contractor in such circumstances should be held to have taken the chances of the crop; and if an equitable adjustment should be suggested in such a case as is here presented it would hardly be asked that the party suffering from the default or failure of the other should sustain all the loss.

It seems that the contractor was the proprietor of a newspaper in Arizona, and that he did some printing for the Government besides agreeing to furnish hay to the Quartermaster's Department. After the ascertainment of the loss to the Government arising out of the hay transactions, certain accounts for printing presented by the contractor were credited against the amount of such loss charged against him. In this way his debt to the Government has been reduced more than $700. The proposed legislation would cause to be paid to the contractor the sums so retained for printing and to relieve him from the remainder of the Government's claims.

Inquiry at the Quartermaster-General's Office fails to substantiate the allegation that there is any understanding when such contracts are made that their performance is to be at all relaxed by the failure of the crop.

There really seems to be no good reason why the contractor should not make good the entire loss consequent upon his default. If, however, strict rights are to be relinquished and the liberality of the Government invoked, it should not be taxed beyond the limit of sharing the loss with the delinquent. This result would be accomplished by discharging the remainder of the contractor's debt after crediting the bills for printing above referred to.

The Government is obliged in the transaction of its business to make numerous contracts with private parties, and if these contracts are to be of any use or protection they should not be lightly set aside on behalf of citizens who are disappointed as to their profitable nature or their ability to perform them.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 12, 1888.*

To the Senate:

I return without approval Senate bill No. 1017, entitled "An act granting a pension to Stephen Schiedel."

The beneficiary named in this bill served in the First Regiment Missouri Light Artillery from October 24, 1861, to October, 1864. There is no record of any injury or disability while in the service.

In March, 1880, sixteen years after his discharge, he filed an application for a pension, alleging that about June, 1862, while carrying logs to aid in building quarters, a log slipped and fell upon a lever, which flew up and struck him, injuring his back and shoulder.

He furnished the testimony of two witnesses tending to support his statement of the manner in which he was injured, but upon investigation this evidence was found to be unreliable.

Medical examinations failed to disclose any disability from the cause alleged, but do tend to show that he was disabled since his discharge by an injury to his right hand and arm and some rheumatic trouble.

It is not claimed that he incurred any disability from rheumatism while in the Army. It appears distinctly that he was wounded in the right wrist and arm while firing a cannon at the village of Hamburg, Erie County, N. Y., on the 4th day of July, 1866. The doctor who testifies to this injury and who dressed the wound negatives any other illness before the accident.

Even if he has, since his discharge, suffered from rheumatism, he does not claim that this was incurred in the Army. He bases his right to a pension entirely upon an injury which he particularly describes, and which the medical examination does not sustain. It will be observed, too, that he continued his military service for two years and four months after the date of his alleged injury. It seems hardly possible that he could have done this if he had been injured in the manner he alleges.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 18, 1888.*

To the House of Representatives:

I return without approval House bill No. 3959, entitled "An act granting a pension to Dolly Blazer."

The husband of the beneficiary named in this bill was apparently a good soldier and was confined for a time in a Confederate prison. He was mustered out of the service in June, 1865, and never applied for a pension.

He died in 1878, leaving as survivors his widow and several children, two of whom are alleged to be still under 16 years of age.

The cause of the soldier's death was yellow fever. There is in my mind no doubt of this fact, and the attempt to establish any other cause of death, if successful, would go far toward fixing a precedent for the rejection of all evidence which stood in the way of a claim for pension.

The bill herewith returned is disapproved for the reason that the death of the soldier had no relation to his military service, and I do not think there should be a discrimination in favor of this applicant and against many thousands of widows fully as well entitled.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 18, 1888.*

To the House of Representatives:

I return without approval House bill No. 5522, entitled "An act for the relief of Elijah Martin."

By this bill it is proposed to increase the pension now paid to the beneficiary therein named, who was a soldier in the War of 1812, from $8 to $20 per month.

Prior to May 22, 1888, an application was made for reimbursement of the expenses attending the last sickness and burial of this pensioner, and on the day mentioned such application was transmitted to the proper auditing officer for adjustment.

I have no other information of the death of this soldier, but as his age is stated in the report of the House committee to be 87 years, and as there can hardly be a mistake as to the identity of the person named in the application mentioned, I am satisfied that the beneficiary has died since the introduction of the bill for his relief.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 19, 1888.*

To the House of Representatives:

I return without approval House bill No. 488, entitled "An act granting a pension to Elizabeth Burr."

It is proposed by this bill to grant a pension to the beneficiary therein named as the widow of William Burr, who enlisted for one hundred days in 1864 and was discharged on the 3d day of September in that year.

He is reported as present on all roll calls during his service. He died April 7, 1867, of dropsy, never having made any application for a pension.

His widow filed an application for pension in 1880, thirteen years after the soldier's death, alleging that the disease of which he died, claimed to be dropsy, was contracted in the service.

The claim was rejected by the Pension Bureau on the ground that the dropsy causing his death was not due to his military service, but that he was subject to the same before his enlistment.

I am perfectly satisfied that the rejection upon the ground claimed was correct.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 19, 1888.*

To the Senate:

I return without approval Senate bill No. 1957, entitled "An act granting a pension to Virtue Smith."

The beneficiary named in this bill is the widow of David M. Smith (incorrectly named David W. Smith in the bill), who served as a bugler

in a Minnesota regiment from August 22, 1862, to September 28, 1862, in a campaign against the Sioux Indians.

He received a gunshot wound in the right elbow, for which in 1867 he was granted a pension of $6 a month, which was very soon thereafter increased to $8, and in August, 1875, said pension was further increased to $10 a month, which he received to the date of his death.

He died in the city of Washington on the 22d day of January, 1880.

He obtained a position in the Second Auditor's Office of the Treasury Department in 1864, and worked steadily there until about six months before his death.

Medical examinations had from time to time up to 1877 seem to have found him in excellent physical condition except the wound in his right elbow, which caused stiffness, and an injury to his left forearm not received in the Army.

In 1879 he was examined by a physician of this city who stands among the best in the profession, and found in the last stages of consumption, and this physician declares he died from that cause. A female physician certified that the cause of death was "wounds in the Army."

The pensioner was 64 years old at the time of his death.

I am perfectly satisfied from the medical testimony and from other facts connected with this case that the death of the husband of the beneficiary was in no manner related to his military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 22, 1888.*

To the House of Representatives:

I return without approval House bill No. 3016, entitled "An act granting a pension to Mary F. Harkins."

The husband of this beneficiary was discharged from the military service in 1865, and was pensioned for a gunshot wound in the right foot at the rate of $6 per month.

He died in 1882, seventeen years after his discharge, "from rupture of the heart, caused by the bursting and parting of the fibers of the right ventricle."

The claim is now made that the death was the result of the wound in the foot.

An application to the Pension Bureau was rejected on the ground that the death cause was not the result of the wound.

I am satisfied that this was a just conclusion.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 22, 1888.*

To the House of Representatives:

I return without approval House bill No. 600, entitled "An act increasing the pension of Mary Minor Hoxey."

The husband of the beneficiary named in this bill was, while on military duty, wounded in the left hand and afterwards in the thigh. He was pensioned in 1871 on account of these wounds, and in 1879 was allowed arrearages from time of his discharge. He died in December, 1881, of consumption, being at that time in the receipt of a pension at the rate of $17 per month.

In 1884 his widow was allowed a pension at the same rate, with $2 a month each for two minor children. The children have now attained the age of 16 years, but the widow still receives the pension awarded to her, which is the same as that allowed to all widows of her class.

I discover no reason of any substance why this pension should be increased, and if it should be done it would only be a manifestation of unjust favoritism.

I can not forget the thousands of poor widows with claims superior to this beneficiary, but with no interested friends to push their claims for increase of pension, who would be discriminated against if this proposed bill becomes a law.

It seems to me that there is a chance to do injustice by unfair caprice in fixing the rates of pension, as well as by refusing them altogether when they should be granted.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 22, 1888.*

To the House of Representatives:

I return without approval House bill No. 8281, entitled "An act for the relief of Lieutenant James G. W. Hardy."

It is proposed by this bill to award a pension to the beneficiary above named.

In the month of January, 1864, he was on recruiting service in the State of Indiana. On the 15th day of that month he was traveling between Indianapolis and Lafayette in a railroad car, and he alleges that he raised a window of the car to obtain air, and placed his arm on the window sill, when it was struck by something from the outside and one of the bones of his arm broken.

In February, 1865, he resigned on account of disability caused by the accident above mentioned, the medical certificate then stating that he had a fracture of the right humerus of ten months' standing which had not been properly adjusted.

He made an application for a pension to the Pension Bureau, which was rejected.

Although it is stated in a general way that he was traveling on business connected with his recruiting service at the time of his injury, he has given no information as to the precise purpose of his journey; and it is conceded that he was guilty of such negligence that he had no right of action against the railroad company.

It also appears by the medical certificate upon which his resignation was permitted that the fracture, not necessarily serious, was never properly treated. It seems, too, that he remained in the service ten months after the injury.

I am unable to discover why a pension should be granted in this case, unless the Government is to be held as an insurer of the safety of every person in the military service in all circumstances and at all times and places.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 22, 1888.*

To the House of Representatives:

I return without approval House bill No. 8174, entitled "An act granting a pension to Ellen Sexton."

The husband of the beneficiary served in the Union Volunteer Army from October, 1862, to June, 1864, having been during the last seven months of his service in the Veteran Reserve Corps. He was discharged for a disability which, to say the least of it, certainly had no relation to his military service, unless the Government is to be held responsible for injury arising from vicious indulgence.

He died in the city of Cork, Ireland, May 29, 1875, of consumption, certified by the health authorities there to have been of seven years' duration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 22, 1888.*

To the House of Representatives:

I return without approval House bill No. 2215, entitled "An act granting a pension to Charles Glamann."

This beneficiary served in an Illinois regiment from September, 1864, to July, 1865, and his record shows no injury or sickness except an attack of remittent fever.

He filed a claim for pension in 1880, alleging that he was struck accidentally with a half brick by a comrade and injured in his left arm.

There is no doubt that whatever disability he thus incurred was the result of a personal altercation between himself and the man who threw the brick.

The extent to which the power to grant pensions by special act has been made to cover all sorts of claims is illustrated by the fact that, in the light of many pensions that have been allowed, this case, though presenting an absurd claim, does not appear to be much out of the way. The effect of precedent as an inducement to increase and expand claims and causes for pensions is also shown by the allegation in the report of the House committee, as follows:

Your committee and Congress have, however, frequently relaxed the rule, and granted pension for injuries and disabilities incurred in such circumstances.

I believe that if the veterans of the war knew all that was going on in the way of granting pensions by private bills they would be more disgusted than any class of our citizens.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *June 26, 1888.*

I return without approval Senate bill No. 845, entitled "An act granting a pension to the widow of John A. Turley."

The husband of this beneficiary belonged to a Kentucky regiment of volunteers, and in 1863, having been in camp and on leave of absence, he and others of the regiment embarked on a steamboat, in charge of a lieutenant, to be taken to Louisville, whither they had been ordered.

While on the steamboat an altercation arose between two of the soldiers, and the deceased interfered to prevent, as is alleged, an affray. By so doing he was pushed or struck by one of the parties quarreling and fell upon the deck of the boat, striking his head against a plank, thus receiving a fatal injury.

It is quite clear to me that the death of this soldier was not the result of his military service. His presence on the boat was in the line of duty, but he had no charge of the rest of the men and was in no degree responsible for them, and whether he should be in any way implicated in the dispute which occurred was a matter entirely within his own control and determined by his own volition. If he had refrained from interference, he would have saved himself and performed to the utmost his military duty.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *July 5, 1888.*

I return without approval Senate bill No. 432, entitled "An act for the relief of Joel B. Morton."

Calvin Morton, the son of the beneficiary named in this bill, enlisted in the volunteer infantry in 1861, and after his discharge again enlisted in the United States cavalry, from which he was discharged in 1867.

It is alleged by his father that he was killed in the battle with the Indians at Little Big Horn, called the "Custer massacre," June 25, 1876.

His name does not appear in any record of the soldiers engaged in that battle. The casualty records of the affair are reported as very complete, but they contain no mention of any soldier of that name.

His father claims in his application before the Pension Bureau to have had a letter from his son in the fall of 1875, dated at some place in the Black Hills, stating that he was a lieutenant in the army under General Custer, but that the letter was lost. He also alleges that he read an account of the massacre in a newspaper, the name of which he has forgotten, and that his son was there mentioned as among the slain.

The report of the House committee states that the only evidence of the death of this soldier is found in a letter of Anderson G. Shaw, who writes that he was present on the field of the battle mentioned when the killed were buried, and that one of the burial party called a corpse found there Morton's. It is further claimed that the description of this body agreed with that given by the father of his son.

Considering the complete list of the casualties attending this battle now in the War Department, it must be conceded that the death of the son of the beneficiary is far from being satisfactorily established.

The claim of the father is still pending in the Pension Bureau, and perhaps with further effort more information on the subject can be obtained.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *July 5, 1888.*

I return without approval Senate bill No. 43, entitled "An act granting a pension to Polly H. Smith."

John H. Smith, the husband of the beneficiary named in this bill, enlisted in the Regular Army in 1854 and served until the year 1870.

In 1868 a fistula developed, which was probably the result of quite continuous riding in the saddle. In 1870 he was placed upon the retired list as first lieutenant on account of the incapacity arising from such fistula.

In September, 1885, fifteen years after his retirement, he died suddenly at Portland, Oreg., of heart disease, while attempting to raise a trunk to his shoulder.

I can not see how the cause of death can be connected with his service or with the incapacity for which he was placed upon the retired list.

The application made by the widow for a pension is still pending before the Pension Bureau, and I understand that she or her friends prefer taking the chance of favorable consideration there to the approval of this bill.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *July 5, 1888.*

I return without approval Senate bill No. 1547, entitled "An act granting a pension to Mary Ann Dougherty."

A large share of the report of the Senate committee to which this bill was referred, and which report is adopted by the committee of the House, as is usual in such cases, consists of a petition signed by Mary Ann Dougherty, addressed to the Congress, in which she states that she resides in Washington, having removed here with her husband in 1863 from New Jersey; that shortly after their arrival in this city her husband, Daniel Dougherty, returned to New Jersey and enlisted in the Thirty-fourth Regiment New Jersey Volunteers; that she obtained

employment in the United States arsenal making cartridges, and that while so engaged she was injured by an explosion.

She also states that she had a young son killed by machinery in the navy-yard, and that at the grand review of the Army after the close of the war another son, 6 years old, was stolen by an officer of the Army and has not been heard of since. She further says that her husband left his home in 1865 and has not been heard of since, and that she believes he deserted her on account of her infirmities.

It is alleged in the report that she received a pension as the widow of Daniel Dougherty until it was discovered that he was alive, when her name was dropped from the rolls.

The petition of this woman is indorsed by the Admiral and several other officers of the Navy and a distinguished clergyman of Washington, certifying that they know Mrs. Dougherty and believe the facts stated to be true.

There is no pretense made now that this beneficiary is a widow, though she at one time claimed to be, and was allowed a pension on that allegation. Her present claim rests entirely upon injuries received by her when she was concededly not employed in the military service. If the pension now proposed is allowed her, it will be a mere act of charity.

Her husband, Daniel Dougherty, is now living in Philadelphia, and is a pensioner in his own right for disability alleged to have been incurred while serving in the Thirty-fourth New Jersey Volunteers. Of this fact this beneficiary has been repeatedly informed; and yet she states in her petition that her husband deserted her in 1865 and has not been heard of since.

It is alleged in the Pension Bureau that in 1878 she succeeded in securing a pension as the widow of Daniel Dougherty through fraudulent testimony and much false swearing on her part.

The police records of the precinct in which she has lived for years show that she is a woman of very bad character, and that she has been under arrest nine times for drunkenness, larceny, creating disturbance, and misdemeanors of that sort.

It happens that this claimant, by reason of her residence here, has been easily traced and her character and untruthfulness discovered. But there is much reason to fear that this case will find its parallel in many that have reached a successful conclusion.

I can not spell out any principle upon which the bounty of the Government is bestowed through the instrumentality of the flood of private pension bills that reach me. The theory seems to have been adopted that no man who served in the Army can be the subject of death or impaired health except they are chargeable to his service. Medical theories are set at naught and the most startling relation is claimed between alleged incidents of military service and disability or death. Fatal apoplexy is admitted as the result of quite insignificant wounds, heart disease

is attributed to chronic diarrhea, consumption to hernia, and suicide is traced to army service in a wonderfully devious and curious way.

Adjudications of the Pension Bureau are overruled in the most peremptory fashion by these special acts of Congress, since nearly all the beneficiaries named in these bills have unsuccessfully applied to that Bureau for relief.

This course of special legislation operates very unfairly.

Those with certain influence or friends to push their claims procure pensions, and those who have neither friends nor influence must be content with their fate under general laws. It operates unfairly by increasing in numerous instances the pensions of those already on the rolls, while many other more deserving cases, from the lack of fortunate advocacy, are obliged to be content with the sum provided by general laws.

The apprehension may well be entertained that the freedom with which these private pension bills are passed furnishes an inducement to fraud and imposition, while it certainly teaches the vicious lesson to our people that the Treasury of the National Government invites the approach of private need.

None of us should be in the least wanting in regard for the veteran soldier, and I will yield to no man in a desire to see those who defended the Government when it needed defenders liberally treated. Unfriendliness to our veterans is a charge easily and sometimes dishonestly made.

I insist that the true soldier is a good citizen, and that he will be satisfied with generous, fair, and equal consideration for those who are worthily entitled to help.

I have considered the pension list of the Republic a roll of honor, bearing names inscribed by national gratitude, and not by improvident and indiscriminate almsgiving.

I have conceived the prevention of the complete discredit which must ensue from the unreasonable, unfair, and reckless granting of pensions by special acts to be the best service I can render our veterans.

In the discharge of what has seemed to me my duty as related to legislation, and in the interest of all the veterans of the Union Army, I have attempted to stem the tide of improvident pension enactments, though I confess to a full share of responsibility for some of these laws that should not have been passed.

I am far from denying that there are cases of merit which can not be reached except by special enactment, but I do not believe there is a member of either House of Congress who will not admit that this kind of legislation has been carried too far.

I have now before me more than 100 special pension bills, which can hardly be examined within the time allowed for that purpose.

My aim has been at all times, in dealing with bills of this character, to give the applicant for a pension the benefit of any doubt that might arise, and which balanced the propriety of granting a pension if there

seemed any just foundation for the application; but when it seemed entirely outside of every rule in its nature or the proof supporting it, I have supposed I only did my duty in interposing an objection.

It seems to me that it would be well if our general pension laws should be revised with a view of meeting every meritorious case that can arise. Our experience and knowledge of any existing deficiencies ought to make the enactment of a complete pension code possible.

In the absence of such a revision, and if pensions are to be granted upon equitable grounds and without regard to general laws, the present methods would be greatly improved by the establishment of some tribunal to examine the facts in every case and determine upon the merits of the application.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5, 1888.*

To the House of Representatives:

I return without approval House bill No. 8291, entitled "An act granting a pension to Julia Welch."

The husband of the beneficiary named in this bill served in the Army from December, 1863, to May, 1866.

He never filed an application for pension, and died February 24, 1880 of inflammation of the lungs.

The claim filed by his widow for pension alleged that her husband suffered from chronic diarrhea and disease of the heart and lungs as results of his army service.

The claim was rejected by the Pension Bureau on the ground that the soldier died from an acute disease which bore no relation to any complaint contracted in the Army.

I think the action of the Bureau was correct.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5, 1888.*

To the House of Representatives:

I return without approval House bill No. 7907, entitled "An act granting a pension to Mary Ann Lang."

The husband of this beneficiary was wounded in the nose on the 1st day of June, 1864, and was mustered out of the service July 8, 1865. He was pensioned on account of this wound and died February 21, 1881. Prior to his death he had executed a declaration claiming pension also for rheumatism, but the application was not filed before he died.

The cause of his death was dropsy. The widow filed her claim for pension in 1884, which was rejected on the ground that the soldier's fatal disease was not the result of his military service.

A physician of good repute, who appears to have attended him more than any other physician for a number of years prior to his death, gives

an account of rheumatic ailments and other troubles, and states that about a year and a half before he died he had a liver trouble which resulted in dropsy, which caused his death. He adds that the soldier was a man who drank beer, and at times to excess, and that he drank harder toward the last of his life. He further states that he is unable to connect the liver trouble with his rheumatism, and could not give any other reason for it except his long use of beer and liquor, and if that was not the cause it greatly aggravated it; that he had cautioned him about drinking, and at times he heeded the advice.

An appeal was taken from the action rejecting the claim and the case was submitted to the medical referee of the Pension Bureau, who decided upon all the testimony that the soldier's fatal disease (dropsy) was due to disease of the liver, which was not a sequence of rheumatism and was the result of excessive use of alcoholic stimulants.

It will be observed that no claim is made that death in any way resulted from the wound for which a pension had been allowed, and that even if rheumatism was connected with the death its incurrence in the Army had never been established.

I am satisfied that this case was properly disposed of by the Pension Bureau.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 6, 1888.*

To the House of Representatives:

I return without approval House bill No. 9184, entitled "An act granting a pension to William M. Campbell, jr."

This beneficiary was not enrolled in the service of the United States until August 5, 1862. Previous to that time he had been a member of the same regiment in which he was so enrolled, and was in the service of the State of Kentucky.

He alleges that in the month of February, 1862, he was vaccinated with impure virus and in the same month contracted mumps. He claims that as a result of these troubles he has been afflicted with ulcers and other serious consequences.

It is perfectly clear that at the time these disabilities were incurred, if they were incurred, the claimant was not in the military service of the United States.

The records show that he deserted September 16, 1862, a little more than a month after he was mustered into the United States service; that he was arrested Aprit 25, 1864, one year and seven months after his desertion; that he was restored to duty by general court-martial with loss of pay and allowances during absence (the time lost by desertion to be made good), and that he was mustered out July 16, 1865.

This enactment seems neither to have law nor meritorious equity to support it.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 6, 1888.*

To the House of Representatives:

I return without approval House bill No. 8807, entitled "An act granting a pension to Harriet E. Cooper."

The husband of this beneficiary served as a major in an Illinois regiment from September 3, 1862, to April 1, 1863, when his resignation was accepted, it having been tendered on account of business affairs.

He was pensioned for rheumatism from April, 1863, and died October 3, 1883.

It is admitted on all hands that Major Cooper drank a good deal, but the committee allege that they can not arrive at the conclusion that death was attributable to that cause.

There is some medical testimony tending to show that death was caused from rheumatism, but one physician gives it as his opinion that death resulted from rheumatism and chronic alcoholism.

The physician who last attended the soldier testifies that the cause of death was chronic alcoholism. This should be the most reliable of all the medical testimony, and taken in connection with the conceded intemperate habits of the deceased and the fact that the brain was involved, it satisfies me that the rejection of the widow's claim by the Pension Bureau on the ground that the cause of death was mainly intemperance was correct.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 6, 1888.*

To the House of Representatives:

I return without approval House bill No. 6431, entitled "An act for the relief of Van Buren Brown."

The beneficiary named in this bill was discharged from the Army September 11, 1865.

He filed an application for pension in the Pension Bureau May 19, 1883, alleging chronic diarrhea, rheumatism, spinal disease the result of an injury, and deafness.

His claim was very thoroughly examined and reopened and examined again after rejection, and rejected a second time.

The case is full of uncertainty and contradiction. Without discussing these features, I am entirely satisfied that a pension should not be allowed, for the reason, among others, that three careful medical examinations made in 1883, 1884, and 1886 failed to disclose any pensionable disability.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 6, 1888.*

To the House of Representatives:

I return without approval House bill No. 367, entitled "An act granting a pension to Nathaniel D. Chase."

This beneficiary enlisted September 3, 1863. The records show that he was admitted to a hospital March 3, 1864, with a disease of a discreditable nature and by no means connected with the military service, and that he was discharged from the Army May 20, 1864, upon a certificate of paralysis of left arm, which came on suddenly February 20, 1864, and that the cause was unknown, but believed not to be incident to the service.

He filed an application for a pension in June, 1864, alleging paralysis of the left arm from causes unknown to him.

This claim was not prosecuted at that time, and the claimant reenlisted in January, 1865, and served until September 5, 1865, without any evidence of disability appearing upon the records.

He renewed his claim in 1870, stating that he was first taken with a pain in his left arm about March 1, 1864, and that it became partially paralyzed.

It will be observed that thus far in his application he gives no explanation of the incurrence of his disability which leads to the belief that it was related to his service.

In a letter dated May 31, 1864, his captain states that he can but think that the disability of the claimant was the result of his folly and indiscretion, and that he feels it his duty to decline giving him a certificate.

In 1880 the claimant stated the cause of his disability was an injury to his arm while expelling a soldier from a railroad train at Augusta, Me., he acting as provost guard at the time. Upon this allegation the case was reopened at the Pension Bureau.

In reply to a letter from the Bureau the captain of claimant's company stated that he had no knowledge of such an injury. The same officer, in a letter dated February 25, 1887, expresses the belief that the disability of the applicant, if any existed, was caused by the injudicious use of mercurial medicine self-administered for venereal disease contracted at Augusta, Me., in January, 1864, and that such was the rumor among his comrades when he was sent to the hospital.

I can not believe that an injury was sustained such as was specified by the applicant in 1880 and that nothing was said of it either in the claim made in 1864 or in 1870. In the absence of this or some other definite cause consistent with an honest claim we are left in the face of some contrary evidence to guess that his arm was injured in the service.

The application of this beneficiary is still pending in the Pension Bureau awaiting further information.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 16, 1888.*

To the House of Representatives:

I return without approval House bill No. 9520, entitled "An act for the relief of Mary Fitzmorris."

It is proposed by this bill to pension the beneficiary named therein, as

the widow of Edmund Fitzmorris, under the provisions and limitations of the general pension laws. The name of the beneficiary is already upon the pension roll, and she is now entitled to receive precisely the sum as a pensioner which is allowed her under this bill.

As her application to the Pension Bureau was quite lately favorably acted upon, it is supposed this special bill for her relief was passed by the Congress in ignorance of that fact.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *July 16, 1888.*

I return without approval Senate bill No. 121, entitled "An act granting a pension to Tobias Baney."

This soldier was enrolled on the 28th day of February, 1865, and was discharged on the 31st day of January, 1866.

He filed an application for a pension in 1878, which was supplemented by statements from time to time, not always in exact agreement, but alleging uniformly that during his service, fixing the date at one time as in January, 1866, and at another time as in November, 1865, he was attacked in the city of Washington by palpitation of the heart, which increased after his discharge and resulted in disability. After a careful special examination by the Pension Bureau the claim was rejected upon the ground that origin of disability in the service and line of duty had not been shown, nor that the same existed for some time after discharge.

The beneficiary named in this bill enlisted shortly before the surrender of the Confederate forces, and it appears did little, if anything, more than garrison duty. He does not seem to have suffered any of the exposures usually incident to a soldier's service, and, as I understand his claim, does not himself give any instance of exposure or exertion from which his difficulty arose.

There is no record of any sickness or disability during the time he was in the Army nor any satisfactory proof that he was suffering with any ailment at the time of his discharge. His own statement, which some of the proof taken tends to show is not entirely reliable, goes no further than to claim that during his term of service his difficulty began.

On appeal from the rejection of the beneficiary's claim the case was thoroughly examined at the Interior Department and the rejection affirmed.

I am entirely satisfied that the case was properly determined.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *July 16, 1888.*

I return without approval Senate bill No. 470, entitled "An act granting a pension to Amanda F. Deck."

The husband of this beneficiary was pensioned for a gunshot wound in his right shoulder which he received in 1864 in a battle with Indians.

The report of the committee to which the bill was referred states nothing concerning the death of the soldier and gives no information as to the date or cause of the same, and the recommendation that a pension should be given the widow is based upon the service and injury of the soldier and the circumstances of the beneficiary.

No claim was filed in the Pension Bureau on behalf of the widow. This perhaps is accounted for by the fact that information is lodged in that Bureau to the effect that the deceased soldier died on the 21st day of September, 1883, "from a pistol ball fired by Luther Cultor."

If he was killed in a personal encounter, as the report of his death would seem to indicate, I am unable to see how his death can be in any way attributed to his military service or his widow be justly pensioned therefor.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 17, 1888.*

To the Senate:

I return without approval Senate bill No. 1613, entitled "An act granting an increase of pension to John F. Ballier."

This pensioner is now receiving the full amount of pension allowed for total disability to ex-soldiers of his rank.

Inasmuch as the bill herewith returned limits any increase to the rate fixed by law for cases of total disability, it appears to accomplish nothing of benefit to the beneficiary therein named.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 17, 1888.*

To the House of Representatives:

I return without approval House bill No. 5913, entitled "An act granting a pension to Thomas Shannon."

This beneficiary enlisted on the 31st day of May, 1870, in the Tenth Regiment of United States Infantry.

On the 4th day of July, 1872, he was upon leave at the city of Rio Grande, in the State of Texas. Some of the citizens were celebrating the day, and one of them had a can of powder in his hand which, according to the report of the accident, "was about to explode." The soldier endeavored to knock the can from the hand of the person who held it, when the powder exploded, severely injuring the soldier and necessitating the amputation of his right forearm.

Though this was a most unfortunate accident, it is quite plain that it had no connection with the military service.

To grant a pension in such a case would establish a precedent in the

appropriation of money from the public Treasury which I can hardly think we should be justified in following.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 17, 1888.*

To the House of Representatives:

I return without approval House bill No. 9174, entitled "An act granting a pension to Woodford M. Houchin."

The beneficiary named in this bill was enrolled September 18, 1861 and discharged December 17, 1864.

He filed a claim for pension in the Pension Bureau December 22, 1876, alleging that he had a sore or ulcer on his left leg "which existed in a small way prior to enlistment," but was aggravated and enlarged by the exposures of the service.

This claim was rejected in 1877 on the ground that the disability existed prior to enlistment.

In September, 1879, he filed another application for pension, alleging a disability arising from an affection of his right eye caused by an attack of measles in September, 1861, and also again alleging ulcerated varicose veins of his left leg.

In October, 1886, the rejection of the claim for ulcerated varicose veins was adhered to and the added claim for disease of the eyes was rejected on the ground that it was not incurred in the service and line of duty.

On appeal from the action of the Pension Bureau to the Secretary of the Interior the rejection of the claim was sustained.

The claimant stated in support of his application that about three months before he enlisted a little yellow blister appeared on his left leg, which made a small sore, which existed when he enlisted; that while he was in Central America with General Walker he received a wound in the temple from a musket ball, and that he had also before enlistment been sick with the dropsy.

The case was very thoroughly examined by officers of the Pension Bureau, and a great mass of testimony was taken from numerous witnesses. Three brothers of the claimant testified to the existence of all the disabilities before his enlistment, and two of them stated facts which go far toward accounting for such disabilities in a way very discreditable to the claimant. Many other witnesses, with good opportunities of knowledge on the subject, testified to the same effect.

While testimony of a different character was also given, tending to establish the theory that the disabilities alleged were at least to some extent attributable to military service, the overwhelming weight of proof seems to establish that whatever disabilities exist are the result of disease contracted by vicious habits, and that such disabilities had their origin prior to enlistment.

GROVER CLEVELAND

EXECUTIVE MANSION, *July 17, 1888.*

To the House of Representatives:

I return without approval House bill No. 8078, entitled "An act granting a pension to Theresa Herbst, widow of John Herbst, late private Company G, One hundred and fortieth Regiment of New York Volunteers."

John Herbst, the husband of the beneficiary named in this bill, enlisted August 26, 1862. He was wounded in the head at the battle of Gettysburg, July 2, 1863. He recovered from this wound, and on the 19th day of August, 1864, was captured by the enemy.

After his capture he joined the Confederate forces, and in 1865 was captured by General Stoneman while in arms against the United States Government. He was imprisoned and voluntarily made known the fact that he formerly belonged to the Union Army. Upon taking the oath of allegiance and explaining that he deserted to the enemy to escape the hardship and starvation of prison life, he was released and mustered out of the service on the 11th day of October, 1865.

He was regularly borne on the Confederate muster rolls for probably nine or ten months. No record is furnished of the number of battles in which he fought against the soldiers of the Union, and we shall never know the death and the wounds which he inflicted upon his former comrades in arms.

He never applied for a pension, though it is claimed now that at the time of his discharge he was suffering from rheumatism and dropsy, and that he died in 1868 of heart disease. If such disabilities were incurred in military service, they were quite likely the result of exposure in the Confederate army; but it is not improbable that this soldier never asked a pension because he considered that the generosity of his Government had been sufficiently taxed when the full forfeit of his desertion was not exacted.

The greatest possible sympathy and consideration are due to those who bravely fought, and being captured as bravely languished in rebel prisons.

But I will take no part in putting a name upon our pension roll which represents a Union soldier found fighting against the cause he swore he would uphold, nor should it be for a moment admitted that such desertion and treachery are excused when it avoids the rigors of honorable capture and confinement.

It would have been a sad condition of affairs if every captured Union soldier had deemed himself justified in fighting against his Government rather than to undergo the privations of capture.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *July 26, 1888.*

I return without approval Senate bill No. 1447, entitled "An act granting a pension to Bridget Foley."

Joseph F. Foley, the husband of the beneficiary named in this bill, enlisted on the 22d day of August, 1862, and was discharged February 13, 1863, for disability which was certified to arise from chronic rheumatism contracted prior to enlistment.

He appears to have been sick with rheumatism a large part of the time he was in the service, and because of that fact never reached a point nearer the front than the city of Washington.

He died May 13, 1873, of consumption.

His widow filed in 1884 a declaration executed by the deceased shortly before his death, in which he alleged that he was first attacked with rheumatism at Capitol Hill, in the District of Columbia, in October, 1862. The soldier never applied for a pension.

It is strenuously disputed that he had this complaint before enlistment. However this may be, it is certain that he died of consumption, and I can find no proof that this disease was contracted in the service or had any relation thereto.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 26, 1888.*

To the Senate:

I return without approval Senate bill No. 2644, entitled "An act granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas."

This bill grants a right of way 100 feet in width, with the use of adjoining lands for stations and other purposes, through the eastern part of that portion of the Indian Territory occupied by the Cherokee Indians under a treaty with the United States.

By the terms of the treaty concluded between the Government and the Cherokee Nation in 1866 these Indians expressly granted a right of way through their lands "to any company or corporation which shall be duly authorized by Congress to construct a railroad from any point north to any point south, and from any point east to any point west of, and which may pass through, the Cherokee Nation."

There are excellent reasons why this clause in the treaty should be construed as limiting the railroads which should run through these lands, at least without further permission of the Indians, to only one from north to south and one other from east to west.

It is evident, however, that the Congress has either not so interpreted this provision of the treaty or has determined that it should be disregarded, for there have been six or seven railroads constructed or authorized through these lands by the permission of the Government.

It has become very much the custom to grant these rights of way through Indian lands and reservations merely for the asking. They

have been duplicated to such an extent that rival roads are found struggling for the advantage of a prior Congressional grant or for the possession of a contested route through these reservations.

I believe these indiscriminate grants to railroads permitting them to cross the lands occupied by the Indians, if not in absolute violation of their treaty rights, are dangerous to the success of our Indian management.

While maintaining their tribal condition they should not be easily subjected to the disturbance and the irritation of such encroachments. When they have advanced sufficiently for the allotment of their lands in severalty, they should be permitted, as a general rule, to enjoy and cultivate all the land set apart to them, and not discouraged by the forced surrender of a part of it for railroad purposes. In the solution of the problem of their civilization by allotments of land they need the land itself, and not compensation for its appropriation by others. They can not be expected to understand this process in any other way than an indication that their tenure is uncertain and the assurance that they shall hold their allotted land for cultivation a delusion.

It is not necessary in the treatment of this subject to insist that in no case should a railroad be permitted to cross Indian reservations. There may be valid public reasons why in some cases this should be allowed. Important lines of through travel should not be always obstructed or defeated by a refusal of such permission. But I think there should be shown in every case a justification in the public interest or in furtherance of general growth and progress, or at least in a plain local necessity or convenience, before such grants are made.

It seems to me also that the consent of the Indians for the passage of railroads through their land should, as a general rule, be required; that the means of determining the compensation to be made for land taken should be just and definite and easy of application; that the route of the proposed road should be as particularly described as is possible; that a reasonable time should be fixed for the construction of the road, and in default of such construction that the grant should be declared null and void without legislation or judicial action, and that in all cases the rights and interests of the Indians should be carefully considered.

The bill under consideration grants to the railroad company therein named the right to construct its road over substantially the same route described in a law already passed permitting the Kansas City, Fort Scott and Gulf Railway Company to build its road through this reservation. No necessity or good reason is apparent why these two roads should be built upon the same line.

The bill makes no provision for gaining the consent of the Indians occupying these lands. The Cherokee Nation of Indians have their local laws and legislation, and are quite competent to pass upon this question. They have heretofore shown their interest in such subjects, I am informed, by

protesting against some of the grants which have been made for the construction of railroads through their lands.

The bill provides for the taking of lands held by individual occupants and the manner of fixing the compensation therefor; but it is declared that when any portion of the land taken by the company shall cease to be used for the purposes for which it is taken the same shall revert to the nation or tribe from which the same shall have been taken. There is no provision that in any case land taken from individual occupants shall revert to them.

In the fifth section of the bill it is provided that the railroad company shall pay to the Secretary of the Interior, for the benefit of the particular nation or tribe through whose lands its line may be located, in addition to other compensation, the sum of $50.

It was, of course, intended to declare that this sum should be paid for every mile of road built through Indian lands, but it is not so expressed. I am by no means certain that the context will aid this omission, which is quite palpable, when that part of the bill is compared with others of the same character. In any event, this is a provision which should be free from all doubt.

There is no time limited in the bill within which the proposed road through the reservation shall be completed, and consequently no forfeiture fixed for noncompletion. The nearest approach to it is found in a clause providing that the company shall build at least 50 miles of its road in the Indian Territory within three years from the passage of the act, or the rights granted shall be forfeited as to that portion not built. The length of the proposed route through the Cherokee lands appears to be considerably over 100 miles, and it is plain that there is no sufficient guaranty in the bill that the entire road will be built within any particular time. There is no forfeiture and no limitation for the completion of the road if 50 miles is built within three years, and there may be some doubt how far the forfeiture would extend in case of a failure to finish the 50 miles within the time specified.

I believe these grants to railroads should be sparingly made; that when made they should present better reasons for their necessity and usefulness than are apparent in this case, and that they should be guarded and limited by provisions which are not found in the bill herewith returned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 3, 1888.*

To the House of Representatives:

I return without approval House bill No. 3008, entitled "An act for the relief of P. A. Leatherbury."

This bill provides that the Secretary of the Treasury shall pay to the person above named the sum of $601.27, being the amount paid by him

to Lucy Roberts on two pension checks which were afterwards recalled and canceled.

The committee of the House to whom this bill was referred report that—

> The Department discovered, after the issuing of the checks, that the claim for pension was fraudulent, but not until after the purchase, in the ordinary course of business, by Mr. Leatherbury paying $601.27 therefor and giving his duebill for the balance, which balance he refused to pay after ascertaining that the check was repudiated by the Government.

Lucy Roberts, a colored woman, filed a claim for pension in 1868, alleging that she was the widow of Nelson Roberts, who died in the military service in 1865.

Her claim was allowed in 1876, and two checks, numbered 6863 and 6864, aggregating $1,301.27, were issued on account of said pension. Before payment of the checks information was received which caused an investigation by the Pension Bureau as to the honesty of the claim for pension. This investigation established its utterly fraudulent character, and thereupon the checks were canceled and the woman's name was dropped from the pension rolls.

Certain important facts are reported to me from the Pension Bureau as having been developed upon the investigation.

It appears that one Thomas had undertaken to act for the claimant in procuring her pension under an agreement that he should have $300 if successful. Mr. Leatherbury was a notary, postmaster, and claim agent, and acted as notary and general assistant to Thomas and the claimant, who was employed at Leatherbury's house. In the month of July, 1876, the same month the claim for pension was allowed, the woman Roberts was indicted for larceny, the complaining witness being Mr. Leatherbury. Shortly after the issue of the checks the woman disappeared, and it is reported that certain indications suggested that both Leatherbury and Thomas were not entirely ignorant of her whereabouts nor completely disconnected with her disappearance. The checks were obtained from Thomas by Leatherbury, he paying, as he alleges, to Thomas the fee of $300 which had been agreed upon. The checks remained in Leatherbury's possession until they were delivered by him to the special agent of the Pension Bureau upon the investigation. He claimed in his deposition that he considered that what money he had let the woman have and the goods she had obtained at his store while she worked for him, and the $300 which he had advanced to Thomas, her agent, justified him in holding her indebted to him in the sum of $600, and that he held the checks as security for the same, admitting that there was still $700 in her favor, written acknowledgment of which he had placed in the hands of his wife. He further stated that rather than gain notoriety in the matter he would return the checks to the special agent, but he trusted that the Government would pay him the $600 which he had sunk in the transaction.

The woman testified that she did take some goods from Leatherbury at his store at his suggestion, after the arrival of the checks and before she left, about August 16, 1876, which purchases amounted to no more than $100, and that he also advanced her $100; that he made no further payment and wrote to her that he had to give up the checks, and that she never indorsed the checks nor authorized anyone to do so.

Both Leatherbury and Thomas disclaimed any knowledge of the fraudulent character of the claim; but the fraudulent claimant lived in the house of one of them and he was assisting in procuring her claim to be allowed, while the other made an unlawful agreement for a liberal compensation for his services if the claim succeeded. The woman was indicted at the instance of Leatherbury at about the time of the issuance of the checks and fled, but if she is to be believed Leatherbury wrote to her during her absence. After her disappearance he ventures to pay to Thomas his illegal fee and takes possession of the checks. He considers that she owes him $600, and the bill under consideration gives him $601.27, the exact amount of the checks less $700.

Someone with more intelligence than this ignorant colored woman concocted the scheme to gain this fraudulent pension; and the circumstances point so suspiciously toward Thomas and Leatherbury, the claim of the latter upon the Government is infected with so much illegality, and the amount of his advances is arrived at so loosely that in my opinion he should not at this late day be relieved.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *August 7, 1888.*

I return without approval Senate bill No. 1870, entitled "An act granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purpose of a public park."

It is proposed by this bill to permit the appropriation for a public park of a certain military reservation containing 635 acres, which was set apart for military and defensive purposes the 22d day of September, 1866.

The establishment of this reservation was strongly recommended by high military authority, and its preservation and maintenance have since that time been also urged by the same authority.

At this time, when the subject of national defense is much discussed, I can not account for the apparent willingness to grant, or permit to be used for other purposes, Government lands reserved for military uses.

I judge from an expression in the letter of the Chief of Engineers, made a part of the report of the committee of the House to which this bill was referred, that its original purpose was to absolutely transfer this reservation to the city of Tacoma. The Chief of Engineers suggested an amendment to the bill providing that the mere permission to use this land for a park should be granted, "and that this permission be given

with the full understanding that the United States intends to occupy the lands or any part of them for military or other purposes whenever its proper officials see fit to order the same, and without any claim for compensation or damage on the part of said city of Tacoma."

Instead of adopting the recommendation of the Chief of Engineers the provision of the bill limiting the extent of the use of this land declares—

> That the United States reserves to itself the fee and the right forever to resume possession and occupy any portion of said lands for naval or military purposes whenever in the judgment of the President the exigency arises that should require the use and appropriation of the same for the public defense or for such other disposition as Congress may determine, without any claim for compensation to said city for improvements thereon or damages on account thereof.

The expediency of granting any right to the occupancy of this land is, in my opinion, very doubtful. If it is done, it should be in the form of a mere license, revocable at any time, for the purposes used by the officers to which its use and disposition are now subject.

It seems to me that if any use of this land is given to the city of Tacoma it should be with the proviso suggested by the Chief of Engineers, instead of the indefinite and restricted one incorporated in the bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 9, 1888.*

To the House of Representatives:

I return without approval House bill No. 8761, entitled "An act granting a pension to Mrs. Anna Butterfield."

It is proposed by this bill to pension the beneficiary therein named as the "dependent mother of James A. B. Butterfield, late a sergeant in the Second Illinois Cavalry."

The records show that the son of this beneficiary enlisted in the regiment mentioned in August, 1861, and was mustered out August 13, 1864. No claim is made in any quarter that he incurred the least disability during this service, and there is no dispute in regard to the date of enlistment or discharge, nor does there seem to be any definite claim that he again entered the military service.

The report of the committee states that his mother is advised that after his discharge her son still remained in the service of the Government and was killed by an explosion on board of the steamer *Sultana*, in April, 1865.

Her claim for pension is now pending in the Pension Bureau awaiting testimony, which seems to be entirely wanting, to support the allegation that at the time of his death the deceased was in the service of the Government in any capacity.

This evidence ought not to be difficult to obtain. Though the mother seems to have saved something, from which she draws a small income,

her advanced age and the honorable service of her son would make the allowance of a pension in her case, upon any fair and plausible justification, very gratifying.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 9, 1888.*

To the House of Representatives:

I return without approval House bill No. 2140, entitled "An act granting a pension to Eliza Smith."

The husband of this beneficiary was a second lieutenant in an Indiana regiment, and was discharged from the service in April, 1864. It is proposed in the bill herewith returned to pension the beneficiary as the widow of a first lieutenant.

The deceased was pensioned for a gunshot wound in his left arm under the general law, and his pension was increased by a special act in 1883.

He died away from home at a hotel in Union City, Ind., on the 18th day of December, 1884, and it was determined at the time, and is still claimed, that his death was the result of an overdose of morphine self-administered.

It is represented that at times the wound of the deceased soldier was very painful and that he was in the habit of taking large doses of morphine to alleviate his suffering.

Two days before his death he was at the house of one Moore, in Union City; he complained of pain, and asked for a dose of morphine, but it does not appear that he obtained it.

On the same day he went to a hotel in the same town and remained there until his death. On the second evening after his arrival there he complained of asthma and pain in his arm, and retired about 9 o'clock p. m. In the afternoon of the next day the door of his room was forced open, and he was found prostrate and helpless, though able to talk. Medicine was administered, but he soon died.

His family physician testified that the deceased did not suffer from asthma; that when his wound was suppurating he had difficulty in breathing, and that at such times he was in the habit of taking morphine in large doses, and that at times he was intemperate, especially when suffering from his wound.

It seems to me it would establish a very bad precedent to allow a pension upon the facts developed in this case.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 9, 1888.*

To the House of Representatives:

I return without approval House bill No. 7510, entitled "An act granting a pension to Stephen A. Seavey."

This beneficiary served in a Maine regiment from November 11, 1861, to August 17, 1862, when he was discharged upon a surgeon's certificate of epilepsia and melancholia. The surgeon further stated in his certificate that the soldier had been unfit for duty for sixty days in consequence of epileptic fits, occurring daily, and requiring the constant attendance of two persons during the past thirty days.

In 1879 he applied for a pension, alleging that he incurred a sunstroke on July 20, 1862. This was within the sixty days during which he was unfit for duty and also within the thirty days during which he required the constant attendance of two persons.

He succeeded in securing a pension, and drew the same until December, 1885, when information was received at the Pension Bureau which caused an examination of the merits of the case.

This examination developed such facts as led the Pension Bureau to the conclusion that the condition of the soldier was then identical with that before enlistment and that his disability existed before he entered the service. His name was accordingly dropped from the rolls.

The object of the bill herewith returned is to restore the pensioner to the rolls.

An examination of the facts satisfies me that the act of the Pension Bureau in dropping this name from the pension rolls was entirely correct and should not be reversed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 9, 1888.*

To the House of Representatives:

I return without approval House bill No. 6307, entitled "An act granting a pension to Sarah A. Corson."

Joshua Corson, the husband of the beneficiary named in this bill, enlisted in August, 1862, for nine months, was wounded by a ball which passed through the lower part of each buttock, and was discharged June 29, 1863. He was pensioned for his wound, and died December 12, 1885.

The cause of death is stated to have been femoral hernia by a physician who attended him shortly before his death. The official record of his death attributes it to a malignant tumor.

The widow filed a claim for pension in 1886, but furnished no evidence showing when or how the hernia originated. No disability of this description is shown by any service record, nor was it ever claimed by the soldier. It is stated in the report of the committee of the House of Representatives to whom this bill was referred that the hernia first made its appearance about four years prior to the soldier's death.

The claim of this beneficiary for pension was rejected by the Pension Bureau upon the ground that there was no possible connection between the soldier's wounds and the hernia from which he died.

I am forced to the conclusion that the case was properly disposed of, and base my disapproval of the bill herewith returned upon the same ground.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 9, 1888.*

To the House of Representatives:

I return without approval House bill No. 3521, entitled "An act granting a pension to Manuel Garcia."

From the records it appears that the beneficiary named in this bill enlisted as a substitute August 6, 1864, and was transferred to the Eighth New Jersey Volunteers; that he is reported absent sick, and never joined his regiment, and was discharged from a hospital July 2, 1865.

He filed a claim for pension March 4, 1880, alleging that in October, 1864, at Alexandria, Va., he became lame in both legs, and that subsequently his eyes became inflamed. His hospital record shows that he was treated for pneumonia.

The board of examining surgeons in 1883 found no such evidence of varicose veins, which seems to be the disability claimed, as would justify a rating, and there appears to be no proof of the existence of any disability between the date of discharge and the year 1867.

The application of this beneficiary is still pending in the Pension Bureau awaiting any further proof which may be submitted in its support.

GROVER CLEVELAND

EXECUTIVE MANSION, *August 10, 1888.*

To the House of Representatives:

I return without approval House bill No. 149, entitled "An act granting a pension to Rachael Barnes."

The husband of this beneficiary served in the Regular Army of the United States from February 24, 1838, to February 24, 1841.

In 1880 he applied for a pension, alleging that he contracted disease of the eyes during the year 1840 while serving in Florida.

Pending the examination of his application, and on the 24th day of March, 1882, he committed suicide by hanging. His widow filed a claim for pension, alleging that he died of insanity, the result of disease of the head and eyes. Her claim was rejected on the ground that his insanity, forty-one years after discharge from the service, had no connection with his military service.

In July, 1886, a special act was passed granting a pension to the widow, which met with Executive disapproval.

At the time the soldier committed suicide he was 68 years old. Upon the facts I hardly think insanity is claimed. At least there does not appear to be the least evidence of it, unless it be the suicide itself. It is

claimed, however, and with good reason, that he had become despondent on account of the delay in determining his application for a pension and because he supposed that important evidence to establish his claim which he expected would not be forthcoming. It is very likely that this despondency existed and that it so affected the mind of this old soldier that it led to his suicide. But the fact remains that he took his own life in a deliberate manner, and that the affection of his eyes, which was the disability claimed, was not in a proper sense even the remote cause of his death.

I confess that I have endeavored to relieve myself from again interposing objections to the granting of a pension to this poor and aged widow. But I can not forget that age and poverty do not themselves justify gifts of public money, and it seems to me that the according of pensions is a serious business which ought to be regulated by principle and reason, though these may well be tempered with much liberality.

I can find no principle or plausible pretext in this case which would not lead to granting a pension in any case of alleged disability arising from military service followed by suicide. It would be an unfair discrimination against many who, though in sad plight, have been refused relief in similar circumstances, and would establish an exceedingly troublesome and dangerous precedent.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 10, 1888.*

To the House of Representatives:

I return without approval House bill No. 8574, entitled "An act granting a pension to Sallie T. Ward, widow of the late W. T. Ward."

The husband of this beneficiary served about nine months in the Mexican War. He entered the service as a brigadier-general in 1861, and served through the War of the Rebellion with credit, and was wounded in the left arm on the 15th day of May, 1864.

For this wound he was pensioned according to his rank, and received such pension until his death, at the age of 70 years, which occurred October 12, 1878.

The cause of his death was brain disease, and it seems not to be seriously claimed that it had any relation to his wound.

His widow is now in receipt of the pension provided for those of her class by the Mexican pension law.

If this bill becomes a law, I am unable to see why, in fairness and justice, the widow of any officer of the grade of General Ward should not be allowed $50 a month, the amount proposed by this bill to be paid his widow, regardless of any other consideration except widowhood and the rank of the deceased husband.

The bill herewith returned, while fixing the monthly amount to be

absolutely paid to the beneficiary, does not make the granting of the pension nor payment of the money subject to any of the provisions of the pension laws nor make any reference to the Mexican service pension she is now receiving. While it is the rule under general laws that two pensions shall not be paid to the same person, inasmuch as the widow is entitled to the pension she is now receiving upon grounds different from those upon which the special bill was passed, and no intention is apparent in the special bill that the other pension should be superseded, it may result that under the peculiar wording of this bill she would be entitled to both pensions.

The beneficiary filed a claim for pension in the Pension Bureau in 1884, which is still pending, awaiting evidence connecting the death of the soldier with his wound.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 10, 1888.*

To the House of Representatives:

I herewith return without approval House bill No. 490, entitled "An act granting a pension to George W. Pitner."

It appears from the records that the beneficiary named in this bill entered the military service in June, 1863, and was discharged in March, 1866. He was treated while in the Army in the months of December, 1864, and January, 1865, for conjunctivitis.

He filed a claim for pension in 1886, alleging that he had a sunstroke in 1865, and that while at work in a basement in the year 1881 he fell into a well which was open near him and received serious injuries, resulting in the amputation of his right foot and also disability of his left foot. He attributes his fall to vertigo, consequent upon or related to the sunstroke he suffered in the Army.

The claim was rejected on the ground that the evidence taken failed to connect the disabilities for which a pension was claimed with army service.

Whatever may be said of the incurrence of sunstroke in the Army, though he fixes it as after the date of his only medical treatment during his service, and whatever may be said of the continuance of vertigo consequent upon the sunstroke for sixteen years, I find no proof that at the time he fell he was afflicted with vertigo, unless it be his own statement, and whatever disability naturally arose from sunstroke does not appear by him to have been deemed sufficient to induce him to apply for a pension previous to his fall.

In any event there seems to be no satisfactory evidence that anything which occurred in his army service was the cause of his fall and consequent injury.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 10, 1888.*

To the House of Representatives:

I return without approval House bill No. 9034, entitled "An act granting a pension to Lydia A. Heiny."

The husband of this beneficiary served in an Indiana regiment from August, 1861, to March, 1864, when he reenlisted as a veteran volunteer and served as a private and teamster to July 20, 1865, when he was discharged.

There is no record of any disability, and he never applied for a pension.

On the 12th day of December, 1880, in leaving a barber shop at the place where he resided, he fell downstairs and died the next day from the injuries thus received.

His widow filed an application for a pension in the year 1885, alleging that her husband contracted indigestion, bronchitis, nervous debility, and throat disease in the Army, which were the cause of his death.

The claim was rejected upon the ground that the death of the soldier was not due to an injury connected with his military service.

While there has been considerable evidence presented tending to show that the deceased had a throat difficulty which might have resulted from army exposure, the allegation or the presumption that it caused his fatal fall, it seems to me, is entirely unwarranted.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 10, 1888.*

To the House of Representatives:

I return without approval House bill No. 9344, entitled "An act granting a pension to James C. White."

The records of the War Department show that this beneficiary enlisted in a Kentucky regiment September 29, 1861. On the muster roll of April 30, 1862, he is reported as absent. On the roll of August 31, 1863, he is mentioned as having deserted July 19, 1862. His name is not borne on subsequent muster rolls until it appears upon those of January and February, 1864, with the remark that he returned February, 1864, and that all pay and allowances were to be stopped from July 19, 1862, to February 5, 1864. It appears that he deserted again on the 18th of December, 1864, and that his name was not borne upon any subsequent rolls.

Naturally enough, there does not appear to be any record of this soldier's honorable discharge.

It seems that this man during the time that he professed to be in the service earned two records of desertion, the first extending over a period of nearly a year and a half and the other terminating his military service.

He filed a claim for pension on the 4th day of August, 1883, alleging that he contracted piles in December, 1861, and a hernia in April, 1862.

A medical examination in 1883 revealed the nonexistence of piles and the presence of hernia.

The fact of the incurrence of any disability at all in the service is not satisfactorily established, and the entire case in all its phases appears to be devoid of merit.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 10, 1888.*

To the House of Representatives:

I return without approval House bill No. 9183, entitled "An act granting a pension to William P. Riddle."

The records of the War Department show that the beneficiary named in this bill was enrolled October 4, 1861, in the Fifth Kentucky Regiment of Cavalry, and was mustered into the service on the 31st day of March, 1862.

From that time to April 30, 1862, he is reported absent sick. On the rolls for four months thereafter, ending August 31, 1862, he is reported as absent and deserted. His name is not borne on any subsequent rolls.

He did not file an application for pension until April, 1879, when the act granting arrears was in force. He then claimed that he contracted pneumonia February 15, 1862; that about a month after he was sent home, and was under medical treatment for two years; that he returned about May 1, 1864, and was discharged about May 15, 1864, but that his discharge papers were lost.

Though he has furnished some evidence in support of the claim that he was sick at about the time alleged and that he returned to the Army after an absence of two years, no record proof of any kind is furnished of an honorable discharge at any time.

He has been informed that the record of his desertion in the War Department will be investigated with a view to its correction if he will furnish direct proof that it is erroneous. No such proof has been supplied, and the case has not been finally acted upon in the Pension Bureau.

It does not seem to me that this case in its present condition should receive favorable consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 10, 1888.*

To the House of Representatives:

I return without approval House bill No. 9126, entitled "An act granting a pension to Mrs. Caroline G. Seyfforth."

The husband of this beneficiary served as contract surgeon in the

United States Army from September 12, 1862, to August 17, 1865, and was stationed at Portsmouth Grove Hospital, in Rhode Island.

He never filed a claim for pension, and died July 21, 1874, of congestion of the liver. His widow filed an application for pension in 1882, alleging that her husband's death was caused by blood poisoning contracted while dressing the wound of a patient in January, 1863. There is proof that he suffered from blood poisoning.

The record of death states its cause as congestion of the liver, but the certificate was not signed. A young doctor named Adams, a friend and pupil of the deceased, seems to have been more than any other the attendant physician, but he appeared to think that one of three other doctors had actual charge of the case. These physicians, named, respectively, Sullivan, Dana, and Sargent, agreed that Adams had charge of the case and that they were consulting surgeons in the last illness.

Dr. Adams testified before a special examiner that from intimate association he knew that the deceased was subject to kidney disease and other symptoms of bad health from discharge to his death; that as he had lost a part of one hand from blood poisoning in the Army, he always supposed his subsequent troubles were referable to that cause; that he believed the cause of death was albuminuria, and that his liver was also affected. He further expresses the opinion that the death was the culmination of the disorders which affected him from the time of his discharge from the service.

Dr. Sullivan deposed that he knew the deceased well from about 1869, and never had any reason to think him the subject of blood poisoning or its results. He further says that he was called in consultation at the last illness of the deceased and diagnosed his trouble as liver disease, due to the patient's habits of intemperance.

Dr. Dana testified that he knew the deceased well from the time of his discharge; that he was called to consult in his case with young Dr. Adams a few days before the death occurred; that he took a general view of the case and considered that the trouble was due to habits of intemperance.

Dr. Sargent deposed that he knew the deceased well and knew that he had lost a part of his hand, as alleged, from septic poisoning in the Army, though he was not aware that the poisoning had left any other effect; that the deceased had several spells of alcoholism after the war; that he had heard him complain of his kidneys, but attributed his troubles to his excesses.

Other evidence suggested the same cause for sickness and death spoken of by these physicians, but there seems to be an almost entire absence of evidence connecting the death with service in the Army.

I am of the opinion that a case is not presented in any of its aspects justifying a pension.

GROVER CLEVELAND

EXECUTIVE MANSION, *August 10, 1888.*

To the House of Representatives:

I return without approval House bill No. 6193, entitled "An act for the relief of Edson Saxberry."

The beneficiary named in this bill filed a declaration for a pension in 1879, alleging that in 1863 he bruised his leg, which became very sore, and when it began to heal his eyes became sore.

The evidence taken upon a careful examination of this application seems to establish, by the admission of the applicant and by other evidence, the correctness of the position taken by the Pension Bureau in rejecting the claim, that whatever disability was incurred existed before enlistment and was in no manner attributable to military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 10, 1888.*

To the House of Representatives:

I return without approval House bill No. 2233, entitled "An act granting a pension to Bernard Carlin."

By this bill it is proposed to pension the beneficiary therein named as of Company A, Fourteenth Regiment of Missouri Volunteer Infantry.

It seems that he served in the company and regiment named, but that he also served in Company A, Sixty-sixth Illinois Regiment, and it is claimed that while in the latter service exclusively he received the injuries for which a pension is claimed.

His application is still pending in the Pension Bureau, and the papers pertaining to the same are now in the hands of an examiner for special examination.

I think this should be completed before a special act is passed, and I understand this to be in accordance with a general rule adopted by Congress and its pension committees. This is certainly the correct course to be pursued in this case, in view of the failure to state in the special bill the regiment and company to which the soldier belonged at the time of the incurrence of disability. This can be corrected by the Pension Bureau if the claim is found meritorious.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 14, 1888.*

To the Senate:

I return herewith a joint resolution which originated in the Senate, and is numbered 17, providing for the printing of additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands.

This resolution directs that 7,500 of these maps shall be printed at a

rate not exceeding $1.35 each; that 2,000 of said maps shall be for the use of the Senate, 4,000 for the use of the House of Representatives, 500 for the Commissioner of the Land Office, and that 1,000 be mounted and sold at the price of $1.50 each. The sum of $10,125 is appropriated to pay the expense of the publication of said maps.

The propriety and expediency of this appropriation, to be applied so largely by the two branches of Congress, should be left to legislative discretion.

I believe, however, that through inadvertence the duplication of the edition of these maps issued in 1886 has been directed by this joint resolution instead of the edition of 1887.

The map of 1886 was published at a cost of $1.25 per copy.

The map of 1887 will very soon be issued at a cost of $1 per copy, and the publishers have offered to print an enlarged edition at the rate of 95 cents for each map. This map will be later, more correct, more valuable in every way, and cheaper than that issued the previous year.

Upon these facts I return the joint resolution without approval, in the belief that the Congress will prefer to correct the same by directing the publication of the latest, best, and cheapest map, and reducing the amount appropriated therefor.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *August 14, 1888.*

I return without approval Senate bill No. 2653, entitled "An act granting a pension to Mary Curtin."

The husband of this beneficiary was mustered into the military service October 8, 1862, was wounded in the right arm, and was discharged September 3, 1863.

He was pensioned for his wound to the time of his death, September 17, 1880.

The physician attending him in his last illness testified that the deceased was in the last stages of consumption when pneumonia intervened and caused his death.

I do not understand that this physician gives the least support to the theory that the wound for which this soldier was pensioned was in the slightest degree connected with his death, and there seems to be nothing in the case to justify the conclusion that such was the fact.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *August 14, 1888.*

I return without approval Senate bill No. 1076, entitled "An act granting a pension to the widow of John Leary, deceased."

This bill does not give the name of the intended beneficiary, but

merely directs that the name of the widow of John Leary, late first sergeant in Battery F, Third Artillery, United States Army, be placed upon the pension roll, and that she be paid the sum of $20 per month.

John Leary first enlisted in the Regular Army July 26, 1854, and reenlisted in August, 1859. He was slightly wounded July 1, 1862, and appears to have been discharged March 25, 1863, on account of syphilitic iritis. In April, 1863, he entered the general service and acted as a clerk in the Adjutant-General's Office until April 1, 1864, when he was discharged.

Neither he nor his widow ever filed a claim in the Pension Bureau, but an application on behalf of his minor children was filed in 1882.

The soldier died on the 8th day of December, 1872, of pneumonia, and his widow remarried in 1876.

The application on behalf of the children was denied on the ground that the death of the soldier was not due to any cause arising from his military service. The youngest child will reach the age of 16 in September, 1888.

It is stated in the report of the Senate committee to whom this bill was referred that the second husband, to whom this widow was married in 1876, is now dead, and it is proposed to pension her as the widow of John Leary, her first husband, at the rate of $20 per month.

In the unusual cases when a widow has been pensioned on account of the death of her first husband, notwithstanding her remarriage, which forfeited her claim under the general law, it has been well established that she was again a widow by the death of her second husband, that beyond all controversy the death of the first husband was due to his military service, and such advanced age or disability has been shown on the part of the widow as prevented self-support.

In this case the name of the widow is not in the bill; there is hardly room for the pretense that her first husband's death was due to his military service, her age is given as over 40 years, and $20 a month is allowed her; being considerably more than is generally allowed in cases where a widow's right is clear, with no complications of second marriage, and her necessities great.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 14, 1888.*

To the Senate:

I return without approval Senate bill No. 1762, entitled "An act granting a pension to Benjamin A. Burtram."

The beneficiary named in this bill was mustered into the military service November 26, 1861; he was reported present until February 28, 1862, and was discharged for disability July 26, 1862.

The medical certificate of the disability of this soldier was made by the senior surgeon of a hospital in Louisville, Ky., and stated that the soldier had been disabled for sixty days; that his lungs were affected

with tubercular deposits in both, and that there was some irregularity in the action of the heart; that he was of consumptive family, his mother, brother, and two sisters having died of that disease according to his and his father's account.

It is of course supposed that this certificate was based upon an examination of the patient, though both he and his father seem to have supplemented such an examination with statements establishing a condition and history which operated to bring about a discharge.

I do not find, however, either as the result of examinations or statements, any other trouble or disability alleged than those mentioned above.

But in 1879, seventeen years after the soldier's discharge, and during the period when arrearages of pensions were allowed on such applications, he filed a claim for pension, in which he alleged that about December 1, 1861, while unloading gun boxes, he incurred a rupture, and that in January, 1862, he was taken with violent pains in left arm and side, causing permanent disability.

It will be observed that the time of the incurrence of these disabilities is fixed as quite early in the very short military service of this soldier; and it certainly seems that, though short, his term of service was sufficiently long to develop such disabilities as he claims to have incurred to such an extent that they neither would have escaped in the succeeding July the examination of the surgeon nor the mention of the soldier.

A medical examination which followed the application for pension in 1879 disclosed a large scrotal hernia, but no discoverable trouble of left arm and side.

A special examination of the case was made and a large amount of testimony taken. Without giving it in any detail as it is reported to me, I fail to find in it reasonably satisfactory proof that the disabilities upon which he now bases his claim for a pension were incurred in the military service.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *August 22, 1888.*

I return without approval Senate bill No. 3038, entitled "An act for the relief of P. E. Parker."

Mr. Parker was a surety with six other persons upon an official bond given by one Franklin Travis, a collector of internal revenue, which bond was dated on the 9th day of May, 1867. A few years after that the collector became a defaulter to the Government for something over $27,000. Suit was commenced against the sureties upon the bond, and the defense was presented in their behalf that by reason of the imposition of new duties and responsibilities upon the collector after the execution of the bond his sureties were released. Judgment, however, passed against them, and the property of the beneficiary named in this bill was sold upon said judgment for the sum of $2,366.95. But only $1,793.16

of such amount was paid into the United States Treasury, the remainder having been applied to the payment of fees and expenses.

After the application of this sum to the payment of the judgment a bill was passed by the Congress relieving all these sureties from liability upon the bond. It appears that the amount above stated was all the money collected thereupon. The grant of the relief of these sureties by the Congress apparently was the same interposed by them to the suit in which the judgment was recovered.

The present bill directs the Secretary of the Treasury to pay to the surety Parker the sum of $2,336.95, the entire amount for which his property was sold, though the Senate committee to which the bill was referred reported in favor of reducing this sum to $1,793.16, the amount actually received by the United States upon its indebtedness.

It seems to me that the action of Congress in relieving these sureties was generous in the extreme, and if money was to be refunded which was apparently legally recovered and collected it should not exceed the amount the Government actually received. The Government is in no default and should be put to no expense in refunding the small sum recovered on account of the defalcation of its officer whose good conduct this beneficiary guaranteed. I think it would better subserve public interests if no further relief should be granted than that already afforded.

There is another fact reported to me which deprives this surety of any equitable claim for further relief. It appears from an examination of this matter that the man who is now attempting to be reimbursed this money from the Government Treasury commenced a suit against his cosureties for this identical money on the ground of their liability with him, and that he actually collected from two of them in such suit the sum of $1,747.16.

If this is true, it is speaking mildly of the claim he now makes against the Government to say that it should not have been presented.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 22, 1888.*

To the Senate:

I return without approval Senate bill No. 2616, entitled "An act granting a pension to James E. Kabler."

This beneficiary enlisted August 10, 1862. He is reported as absent sick for November and December, 1862; present for January and February, 1863; on the rolls for March and April he is reported as deserted, and for May and June as under arrest. On the 17th of September, 1863, after having been in the service a little over a year, he was mustered out with his company with the remark "absent without leave and returned to duty with loss of fifty-two days' pay by order of General Boyle." The charge of desertion does not appear to have been removed.

He filed a claim for pension in 1870 on account of quinsy alleged to

have been contracted about December 7, 1862, with some evidence to support the claim. Three medical examinations fail to establish the existence of this disease in a pensionable degree, and it is reported to me from the Pension Bureau that in March, 1882, the family physician of the beneficiary stated that though he had practiced in his family for eight or nine years he had no recollection of treating him for quinsy or any other disease.

It seems to me that neither the service nor the alleged disability of this beneficiary are of a meritorious character.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *August 22, 1888.*

I return without approval Senate bill No. 2370, entitled "An act granting a pension to Sarah C. Anderson and children under 16 years of age."

William H. Anderson, the husband and the father of the beneficiaries named in this bill, enlisted on the 27th day of August, 1862, and is reported as sick or absent a large part of his short term of service. He was discharged April 23, 1863, to date November 5, 1862, on a surgeon's certificate of disability for "tertiary syphilis, with ulcerated throat and extensive nodes on the tibia of both legs."

He never filed an application for pension. He was admitted to an insane asylum in September, 1883, suffering with epilepsy, chronic diarrhea, and dementia, and died of pneumonia on the 26th day of February, 1884.

His symptoms and troubles after his discharge, so far as they are stated, are entirely consistent with the surgeon's certificate of disability given at the time of his discharge, and there seems to be an entire lack of testimony connecting in any reasonable way his death with any incident of his military service.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *August 22, 1888.*

I return without approval Senate bill No. 2206, entitled "An act granting a pension to David H. Lutman."

The beneficiary named in this bill was pensioned in 1885 on account of spinal irritation, the result of measles.

In 1886 he filed a claim for increase of pension, alleging rheumatism, and the board of examining surgeons at Cumberland, Md., upon an examination, found no evidence of spinal irritation or rheumatism, and he was dropped from the pension rolls on the ground that the disability for which he was pensioned had ceased to exist.

He afterwards filed medical and lay testimony tending to show that he suffered from disease of the back, legs, and arms, and he was there-

upon, and on the 8th day of October, 1886, again examined by the board of examining surgeons at Hagerstown, Md., who reported as follows:

We have stripped him, and find a splendid specimen, square built from the ground up, muscles well developed, his appearance indicative of perfect health. No curvature of spine, disease or irritation of spinal cord; no atrophy of any muscles or evidence of weakness. No impairment of motion anywhere.

If there is any value to be placed upon the reports of these examining boards, the refusal of the Pension Bureau to restore this beneficiary to the rolls was fully justified; and this is not a proper case, in my opinion, for interference with that determination.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *August 22, 1888.*

I return without approval Senate bill No. 645, entitled "An act granting a pension to Mrs. Margaret B. Todd."

This bill does not describe the beneficiary as related to any soldier of the war, but from other data it is found that she is the widow of Frank G. Todd, who served as a private in the One hundred and eighteenth Volunteer Infantry from July, 1863, to May, 1864, when he was transferred to the Navy. It appears that he served in the Navy from May 13, 1864, until April 10, 1866. He died in January, 1878, from exhaustion, as stated by the physicians who attended him.

There is scarcely a particle of satisfactory evidence showing his condition from the time of his discharge to 1871, and there is almost an entire lack of proof showing a connection between his death and any incident of his service. The widow in her application to the Pension Bureau for a pension states that she has children who were born in 1870, 1871, and 1878.

There seems to be no record of any disability during the husband's service in the Army, and the only mention of disability while in the Navy is an entry on the 30th day of May, 1864, showing that he was admitted to treatment for "syphilis secondary."

The widow's claim is still pending in the Pension Bureau.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *August 22, 1888.*

I return without approval Senate bill No. 1542, entitled "An act granting a pension to John W. Reynolds."

The bill describes this beneficiary as being "late of the One hundred and fifty-seventh Ohio Volunteer Infantry."

He filed a claim in 1872 that he was a deputy United States provost-marshal for the Twelfth Ohio district from October, 1864, to March, 1865, and that in December, 1864, while ascending a stairway to arrest

two deserters who had been drafted, a barrel of cider was rolled down upon him, by which he was severely injured.

The claim having been rejected on the ground that the claimant was not entitled to a pension as a civil employee of the Government, he afterwards, and in January, 1888, informed the Bureau that he was drafted in November, 1864, while serving as assistant deputy provost-marshal, and was sworn in and reserved for home duty, and was discharged from the One hundred and fifty-first Ohio Volunteers. The records of the War Department show that John W. Reynolds served in the One hundred and fifty-first Ohio Regiment from May 2, 1864, to August 27, 1864.

It is perfectly apparent that this beneficiary was injured while acting as a deputy assistant provost-marshal, arresting deserters for the pay and rewards allowed him, and that his injuries were not at all connected with actual military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 22, 1888.*

To the House of Representatives:

I return without approval House bill No. 2088, entitled "An act for the relief of W. S. Carpenter."

This bill appropriates the sum of $126.26 to be paid to the beneficiary named therein for his salary as an employee in the Railway Mail Service from the 3d day of October until the 20th day of November, 1882.

Mr. Carpenter was employed as a railway postal clerk at a salary of $800 per annum. He abandoned his route about the 2d day of October, 1882, without any leave of absence or explanation at the time, leaving his work in charge of one Jones, another railway postal clerk. He appears to have been paid for all the work he did, unless it be for two or three days in October, for which he apparently makes no claim.

There is nothing in the Post-Office Department showing that the absence of Carpenter was claimed to be on account of sickness, though there are a number of communications relating to the case.

The regulations of the Department permit the performance of the duties of a postal clerk by an associate in case of sickness, but never without the written permission of the division superintendent after an arrangement between the parties in writing, signed by them and filed with the superintendent.

Among a number of communications from Railway Mail Service officials relating to the conduct of Carpenter, all tending in the same direction, there is a letter from the chief clerk of the Railway Mail Service at Peoria, Ill., under whose immediate supervision Mr. Carpenter performed service, written to the superintendent of the sixth division of said service at Chicago, and dated November 16, 1882, containing the following statement:

I desire to call your attention to the case of W. S. Carpenter, Gilman and Springfield R. P. O., as follows: October 10 he was requested to appear at the post-office at

Springfield, Ill., for examination on Illinois scheme. I went to Springfield for the purpose of examining him, but he failed to put in an appearance. Upon my return home I found a letter from him stating that he did not expect to remain in the service, hence his failure to report for examination; and, furthermore, that he would send in his resignation to your office by the first of the following week. This he had not done the 12th instant. He has not been on duty but two days since October 1. He left the run in charge of Mr. Jones, of the same line, telling him he did not know when he would return, and for Jones to keep up the run. He has no leave of absence, either verbally or otherwise. What his motives are for conducting himself in this manner I can not imagine. I have written him on the subject, but can not hear from him. When in Springfield the 3d instant, I requested the postmaster there to not pay Carpenter for October until he received notice to do so. I then notified you of the facts in the matter. I would respectfully recommend that Carpenter be relieved from further duty and a successor be appointed. He is of no account at the best; he has no interest in the work, and should be removed. I would also recommend that he be paid for but the two days' run in the month of October.

Four days after the date of this letter Mr. Carpenter was notified that an order had been issued discontinuing his pay and services.

These facts stated present the case of an employee of the Government abandoning his duties without leave or notice, in direct violation of rules, and claiming compensation for work done in his absence by another employee whose entire services were due the Government.

To allow a claim so lacking in merit would endanger discipline and invite irregularity and loose methods in a very important branch of the public service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 27, 1888.*

To the House of Representatives:

I return without approval House bill No. 2524, entitled "An act for the relief of Clement A. Lounsberry."

This bill appropriates the sum of $1,214.51 to reimburse him for clerk hire and fuel and lights in excess of allowances made to him by the Post-Office Department while he was postmaster at Bismarck, in the Territory of Dakota.

Seven hundred and fifty dollars of this sum is appropriated on account of clerk hire paid out from April 1, 1881, to June 30, 1882, and $464.51 for lights and fuel from July 1, 1883, to September 30, 1885.

As a general rule the allowances made by the Post-Office Department in these cases ought not to be interfered with. But sometimes a sudden rush of settlement in a locality, or some other cause, will so increase unexpectedly the need of clerks to distribute and handle the mails that the employment of more than have been provided for is absolutely necessary.

I am inclined to think the item for clerk hire in this bill should be so regarded. This was the only appropriation included in the bill presented in the Forty-eighth Congress in behalf of this postmaster upon

which a favorable committee report was made and which was not unfavorably spoken of by the Department.

But it does not follow that the other item for fuel and lights should be allowed. I think it should not, on the grounds that the amount was fixed by the Department upon full examination, that there is no special reason shown why the postmaster should have exceeded the expenditures allowed, and that to give the least encouragement to postmasters that these allowances would be upon their application revised and increased by Congress would lead to demoralization in the service.

It appears that the allowance made to this officer for fuel and lights was increased October 1, 1883, and although the claim now made on this account embraces the period from July 1, 1883, to September, 1885, nothing was asked for fuel or lights in the bill presented to Congress for this beneficiary's relief in 1884.

It should not have been tacked upon the bill now presented.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 27, 1888.*

To the Senate:

I return without approval Senate bill No. 288, entitled "An act for the erection of a public building at Sioux City, Iowa."

On the 19th day of June, 1886, I was constrained to disapprove a bill embracing the same subject covered by the bill herewith returned. Further investigation on the second presentation of the matter fails to convince me that $150,000 should be expended at present for the erection of a public building at Sioux City.

From all the representations that are made in an effort to show the necessity for this building I gather that the only two purposes for which the Government should furnish quarters at this place are a term of the United States court not specially crowded with business and the post-office, which, though perhaps crowded, I am sure can get on very well for a time without a larger public building.

As far as the court is concerned, it was agreed when a term was located there in 1882 that it might be held in the county building, which from the description furnished me seems to be entirely adequate for the purpose and very well arranged. The term held in October, 1887, was in session for nine days.

I am decidedly of the opinion that if a public building is to be located at Sioux City it had better be delayed until a better judgment can be formed of its future necessity and proper size.

I see some of the parties interested have such confidence in the growth and coming needs of the place that in their opinion the work ought not to be entered upon with a less appropriation than $500,000.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 1, 1888.*

To the House of Representatives:

I return without approval House bill No. 9363, entitled "An act granting a pension to Edwin J. Godfrey."

The beneficiary named in this bill enlisted on the 27th day of May, 1861, in a New Hampshire regiment, and less than three months thereafter was discharged on a surgeon's certificate of his disability occasioned by "disease of heart existing prior to enlistment."

In 1881, twenty years after discharge, the beneficiary applied to the Pension Bureau for a pension, and alleged that his disease of the heart was the result of fatigue and overheating at Bull Run, Virginia, July 21, 1861.

If the heart disease of which the discharged soldier complained in 1861, and which the claimant of a pension in 1881 alleged still continued, could have been caused by fatigue and overheating in the only battle of his brief service, it seems to me that its manifestations and symptoms a month afterwards could not have been mistaken for such as belonged to a much longer continuance of the disease.

I am fully satisfied that the surgeon was not mistaken who made the certificate upon which the beneficiary was discharged, and that his military service is not properly chargeable with any disability he may have incurred.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 1, 1888.*

To the House of Representatives:

I return without approval House bill No. 5155, entitled "An act granting a pension to John S. Bryant."

The man for whom this pension is proposed never, so far as I can learn, did a single day's actual military service at the front, nor ever left in such service the State in which he was enlisted.

He enlisted December 7, 1863, in a Maine regiment; on the 16th day of the same month he is marked as a deserter, having failed to report after leave of absence; December 31, 1863, he is reported sick in hospital at Augusta, Me.; January 26, 1864, he is marked as having deserted from Camp Keyes, at Augusta, Me.

He was discharged January 14, 1865, for disability occasioned, as the surgeon's certificate declares, "by a fall from a wagon while at home on a furlough, December 22, 1863." The certificate continues as follows:

Never has done a day's duty. Is utterly worthless and unfit for the Veteran Reserve Corps.

After his discharge the second charge of desertion was removed, and the first charge does not seem to be serious.

But he was injured while home on a furlough, his regiment still being

in camp within the State of his residence; and although there are cases in which it seems not improper that pensions should be granted for injuries sustained during furlough and before actual return to duty, this does not appear to me to be one of them.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 6, 1888.*

To the House of Representatives:

I herewith return without approval House bill No. 2507, entitled "An act granting a pension to Russel L. Doane, of Peck, Sanilac County, Mich."

It is proposed by this bill to pension the beneficiary therein named as the dependent father of the late Demster Doane, late Company D, Thirty-fifth New York Volunteers.

The only information I have concerning this case is furnished by the report of the committee of the House to whom the bill was referred. There is nothing alleged in the report except that Demster Doane, who was a second lieutenant in the company and regiment named, died at Peck, Mich., on the 22d day of September, 1881, and that the deceased up to the time of his death supported his father, the claimant, who is now over 81 years of age, incapable of manual labor, and destitute of the means of support.

There is no intimation that the death of the son sixteen years after the close of the war was caused or in any way related to his military service. I do not understand that it has ever been claimed that a parent should be pensioned for the death of a son who had been in the Army unless his death could be traced in some way to his army service.

While this case is probably one where the exercise of generosity would be pleasant and most timely to the recipient, I can not think that such a precedent should be established.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 7, 1888.*

To the House of Representatives:

I return without approval House bill No. 9372, entitled "An act granting a pension to John Dean."

The beneficiary named in this bill was mustered into the service of the United States February 25, 1863. He never went to the front, but while in camp at Staten Island, on the 21st day of April, 1863, was granted a pass for forty-eight hours, and on account of sickness did not again rejoin his company or regiment. The charge of desertion made against him has been removed. The Surgeon-General's report shows that he was treated at quarters on Staten Island in April, 1863, for syphilis, rheumatism, and debility.

He was admitted to Charity Hospital, Blackwells Island, New York Harbor, August 5, 1863, and discharged November 18, 1863. He was admitted to the Ladies' General Hospital in New York December 1, 1863, and was discharged from the service for disability April 7, 1864.

The discharge was granted, as stated by the surgeon of volunteers in charge of the hospital, "because of sloughing of both corneas from inflammation contracted while absent without leave, having received a forty-eight-hour pass from his regiment April 15, 1863, then stationed on Staten Island. He lost his sight in August, 1863, while absent without leave. Unfit for Invalid Corps. Admitted to this hospital December 1, 1863. Not a case for pension."

A claim for pension was filed by the beneficiary at the Pension Bureau in March, 1877, alleging that on or about April 1, 1863, he suffered from chronic rheumatism and sore eyes, occasioned by exposure and illness contracted in camp.

It will be observed that no affection of the eyes is mentioned in the record of his treatment in quarters.

The claimant was examined by the New York City board of surgeons in June, 1878, and no rheumatism was found to exist. He is now blind, and while his case is certainly a pitiable one I am forced to the belief that the conclusions reached in 1879 upon his application, that his disease was contracted while absent without leave and that his disability was due to syphilis, were correct.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 7, 1888.*

To the House of Representatives:

I return without approval House bill No. 217, entitled "An act granting a pension to C. T. Maphet."

This beneficiary enlisted August 1, 1863, and was discharged January 27, 1865, for disability.

The commander of the post certifies:

This soldier says that he was first affected with the present disease, conjunctivitis, in the spring of 1862, since which time his eyes have never been well, and for a great portion of the time since enlistment he has been unfit for duty.

The certificate of the surgeon is as follows:

Incapacitated by reason of long-standing conjunctivitis of both eyes, attended with partial opacity of the cornea. Disability existed prior to enlistment, consequently soldier is ineligible to the Veteran Reserve Corps.

The beneficiary filed no application for pension until April, 1883.

Notwithstanding some evidence of soundness prior to enlistment, it seems to be quite well established that the trouble with his eyes was not the result of his military service, but existed before enlistment.

GROVER CLEVELAND.

EXECUTIVE MANSION *September 7, 1888.*

To the House of Representatives:

I return without approval House bill No. 5503, entitled "An act granting a pension to Charles Walster."

This case has been very exhaustively examined by the Pension Bureau upon the application for a pension filed there by the beneficiary named in this bill. Upon a review of the evidence taken it appears to be well established that any disability of the beneficiary heretofore existing was no attributable to his military service.

In addition to this a board of pension surgeons, as late as July, 1886, determined, after a thorough medical investigation, that no pensionable disability existed.

It thus appears that even if this bill were approved there could be no rating, and the legislation would be of no advantage to the beneficiary named.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 7, 1888.*

To the House of Representatives:

I return without approval House bill No. 333, entitled "An act granting a pension to Catharine Bussey."

It does not appear that the husband of this beneficiary ever applied for a pension. He was discharged from the Volunteer Army on the 9th day of December, 1864, after a service of more than three years.

He was found dead on a railroad track on the 11th day of June, 1870, apparently having been struck by a passing train.

It is claimed that the deceased suffered a sunstroke while in the Army, which so affected his mind that he wandered upon the railroad track and was killed in a fit of temporary insanity.

Though it would be gratifying to aid his widow, I do not think these facts are proven or can be assumed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 7, 1888.*

To the House of Representatives:

I return without approval House bill No. 5525, entitled "An act granting a pension to Mrs. Jane Potts."

The husband of this beneficiary enlisted in 1861 and was mustered out of the service in April, 1865.

He was taken prisoner by the enemy and endured for a long time the hardship of prison life.

He never applied for a pension, though undoubtedly his health suffered to some extent as the result of his imprisonment.

The beneficiary married the soldier in 1871.

He conducted his business affairs, managed his farm, and accumulated property up to the year 1880, when by a decree of court he was adjudged insane, caused by sickness as far as was known, and that his disease was hereditary.

It also appears that his mother and sister had periods of insanity.

He committed suicide in 1882 by drowning.

The beneficiary, his widow, filed a claim for pension in 1885, claiming that the insanity which caused him to commit suicide resulted from the hardships of prison life.

Upon this application the facts of the case have been thoroughly examined. Two witnesses indicate that domestic trouble was the cause of the soldier's suicide. Another says that his wife (the beneficiary) was a pretty rough woman—a hard talker—and that the soldier often consulted him about the matter, and said it was hard to live with her. This witness adds that he does not believe that the soldier would have committed suicide if she had not abused him till he could not longer endure it.

The special examiner, in summing up the proof, says in his report:

> The general opinion in the community is to the effect that his wife drove him to commit suicide rather than to live with or to obtain a divorce from her. Her reputation is that of a virago.

This kind of evidence, while not perhaps determining the case, reconciles me to the conclusion, which seems inevitable from other facts developed, that the military service and prison experience of the deceased were in no manner connected with his death.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 7, 1888.*

To the House of Representatives:

I return without approval House bill No. 7717, entitled "An act granting a pension to Mrs. Catharine Reed."

The husband of this beneficiary served in the Army from July 25, 1862, to October 16, 1862, when he was discharged for disease of the lungs. He was pensioned for hernia and disease of the lungs.

On the 23d day of November, 1880, while working in a sawmill, a piece of board was thrown from a buzz saw and struck him in the groin, causing a wound from which he died two days afterwards.

It is impossible to connect this injury and the resulting death with the disability for which he was pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 7, 1888.*

To the House of Representatives:

I return without approval House bill No. 4855, entitled "An act granting a pension to Jacob Newhard."

The records show that this beneficiary was mustered into the service

August 20, 1862, as a lieutenant; that on the return for November, 1862, he is reported as "absent without leave—left hospital at Louisville." He was treated for hemorrhoids in the hospital at Nashville from December 12 to December 23, 1862, when, having served a few days more than four months, he tendered his resignation upon the ground of disability and procured the following surgeon's certificate, upon which his resignation was based:

Lieutenant Jacob Newhard having applied for a certificate upon which to ground a resignation, I do hereby certify that I have carefully examined this officer and find him suffering from hemorrhoids, * * * and in consequence thereof is, in my opinion, unfit for duty. I further declare my belief that he will not be fit for the duties of a soldier in any future time, having already been afflicted twelve years, as he asserts.

On the 14th day of February, 1880, nearly eighteen years after his resignation, the beneficiary filed his claim for pension based upon hemorrhoids, the result of diarrhea and fever.

He denied upon this application that he was unsound prior to enlistment, and filed evidence to support his denial. One of the witnesses, a surgeon, who testified to incurrence of disability in the service, on a special examination stated that he so testified, having satisfied himself of the fact by personal interviews with the beneficiary.

I do not think in the circumstances surrounding this case that the beneficiary should at this late day be permitted to impeach and set aside the medical certificate procured by himself and containing his own statements, upon which he secured exemption from further military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 13, 1888.*

To the House of Representatives:

I return without approval House bill No. 6371, entitled "An act granting a pension to Jesse M. Stilwell."

On the 6th day of May, 1885, twenty years after this beneficiary was discharged from the Army, he filed an application in the Pension Bureau for a pension, alleging that in December, 1863, one year and eight months before his discharge, a comrade assaulted him with a stick while he was sitting in front of his tent preparing for bed and injured his back. He alleged that the assault was unprovoked and unexpected.

The claim was rejected upon the facts stated, upon the ground that any injury incurred was not the result of military duty.

Unless the Government is to be held as an insurer against injuries suffered by anyone in the military service, no matter how incurred, and also as guarantor of the good and peaceable behavior toward each other of the soldiers at all times and under all circumstances, this is not a proper case for the allowance of a pension.

GROVER CLEVELAND.

DEBRIS AFTER THE JOHNSTOWN FLOOD

THE JOHNSTOWN FLOOD

The Mississippi River floods have been a constant source of anxiety and expense to the Federal Government as well as to the States bordering it. Of the score of inundations which, owing to their devastating effect, have been judged worthy of record, that of Johnstown is most widely remembered. It occurred May 31, 1889. The swelling by rain of the Conemaugh River in Pennsylvania broke a dam 18 miles above Johnstown and in seven minutes the deluge was upon them. Two thousand one hundred and forty-two lives were lost; $9,674,105 in property was destroyed. The charity of the country came to the rescue nobly with a $3,000,000 fund.

EXECUTIVE MANSION, *September 24, 1888.*

To the House of Representatives:

I return without approval House bill No. 8310, entitled "An act to provide for the disposal of the Fort Wallace Military Reservation, in Kansas."

This bill provides that a portion of this reservation, which is situated in the State of Kansas, shall be set apart for town-site purposes, and may be entered by the corporate authorities of the adjoining city of Wallace.

The second section of the bill permits the Union Pacific Railroad Company to purchase within a limited time a certain part of the military reservation, which is particularly described, at the rate of $30 per acre.

I am informed that this privilege might, by reason of a faulty description of the lands, enable the railroad company to purchase at the price named property in which private parties have interests acquired under our laws.

It is evident that the description of the land which the railroad company is allowed the option of purchasing should be exact and certain for the interest of all concerned.

Section 4 of the bill grants a certain portion of the military reservation heretofore set apart by the military authorities as a cemetery to the city of Wallace for cemetery purposes.

There should, in my opinion, be a provision that no bodies heretofore interred in this ground should be disturbed, and that when the same is no longer used as a cemetery it should revert to the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 24, 1888.*

To the House of Representatives:

I am unable to give my assent to a joint House resolution No. 14 and entitled "Joint resolution to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts," and I therefore return the same with a statement of my objections thereto.

By an act of Congress passed July 2, 1862, certain public lands were granted to such of the several States as should provide colleges for the benefit of agriculture and the mechanic arts.

Under the terms of this act the State of Kansas was entitled to 90,000 acres of land, subject, however, to the provisions of said statute, which declared that when lands which had been raised to double the minimum price, in consequence of railroad grants, should be selected by a State such lands should be computed at the maximum price and the number of acres proportionately diminished.

Of the lands selected by the State of Kansas, and which have been

certified, 7,682.92 acres were within certain limits of a railroad grant, and had therefore been raised to the double minimum in price, so that the number of acres mentioned and thus situated really stood for double that number of acres in filling the grant to which the State of Kansas was entitled.

It is now claimed that after the selection of these lands the route of said railroad was abandoned and another one selected, and that in consequence thereof such lands included within its first location were reduced to the minimum price and restored to public market at that rate. It is supposed upon these allegations that justice and equity require that an additional grant should now be made to the State of Kansas from the public lands equal to the number of acres selected within the limits of the first railroad location.

But an examination discloses that the joint resolution is predicated upon an entire misunderstanding of the facts.

The lands heretofore mentioned as amounting to more than 7,000 acres, selected by the State of Kansas, and charged at double that amount because their price had been raised to the double minimum in consequence of their being within a railroad location, have all except 320 acres remained either in the new or old railroad location up to the present time, and if now vacant would be held by the Government at the double minimum price.

It seems clear to me that the State of Kansas has been granted all the public land to which it can lay any legal or equitable claim under the law of 1862.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *October 10, 1888.*

I herewith return without approval Senate bill No. 2201, entitled "An act for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor, of Joseph H. Maddox, deceased."

An act of Congress approved July 2, 1864, provided among other things that the Secretary of the Treasury, with the approval of the President, might authorize agents "to purchase for the United States any products of States declared in insurrection, at such price as should be agreed on with the seller, not exceeding the market price thereof at the place of delivery."

Under the authority of said act the Secretary of the Treasury, with the approval of the President, prescribed rules and regulations to govern the transactions thus permitted, and appointed one H. A. Risley an agent to act for the United States in making such purchases.

On or about the 13th day of November, 1864, said Risley entered into a written contract with Joseph H. Maddox and two other parties, whereby the latter agreed to sell and deliver to Risley as such agent, at Norfolk or New York, 6,000 boxes of tobacco, 350 barrels of turpentine, and 700

barrels of rosin. It was also agreed that all products transported under the contract should be consigned to said Risley as agent and shipped on a Government transport, or, if not so shipped, should be in the immediate charge of an agent of Risley's, whose compensation and expenses should be paid by the sellers. Said products were to be sold in New York or Baltimore under Risley's direction, and one-fourth of the proceeds, after deducting certain expenses, costs, and charges, were to be retained for the United States and three-fourths paid to Maddox and his associates.

It was expressly provided in said contract as follows:

Nothing in this contract contained shall be construed as incurring any liability on behalf of the United States.

It appears that Maddox, very soon after the contract was made, acquired all the interest of his associates therein.

The President of the United States signed an order or permit for the transportation of the goods, in fulfillment of the contract, and for the passage of the parties selling such goods through the Federal military lines, the permit declaring, however, that such transportation and passage should be "with strict compliance with the regulations of the Secretary of the Treasury, and for the fulfillment of said contract with the agent of the Government."

Maddox and his associates were not at the time the contract was entered into the owners of any of the property they agreed to sell and deliver; but it is alleged that Maddox, as one of the parties to the contract and as assignee of his co-contractors, purchased 4,042 boxes of tobacco, worth at that time more than $735,000, for the purpose of fulfilling this contract.

The tobacco was purchased by him within the rebel lines in the State of Virginia. A part of it, he charges, was forcibly taken by the military forces of the Government and converted to its use or destroyed while being transported to its destination, and the remainder of it, having been detained in storage at Richmond, Va., was afterwards appropriated to the use of the United States or was destroyed in the fires at Richmond upon the capture of the city by the United States forces in 1865.

An action predicated upon the contract with Risley was brought by Maddox in the Court of Claims to recover the value of this property, but it was held by the court that the contract was void.

On appeal to the Supreme Court of the United States the decision of the Court of Claims was affirmed, upon the ground, as had been previously decided by said court, that under the law, the Treasury regulations, and the Executive orders concerning the purchase of products of insurrectionary States a purchasing agent of the Government had no authority to negotiate with anyone in relation to the purchase of such products unless at the time of the negotiation the party either owned or controlled them; that neither the law nor the regulations for its execution protected a speculation wherein the products to be sold were to be procured

by the contractor within the rebel lines after the contract was made; that private citizens were prohibited from trading at all in the insurrectionary districts, and that the object of the law and the regulations to carry it into effect was to encourage the insurgents themselves to bring their products to agents of the Government.

With this adverse decision all chance of recovery upon legal grounds or before the courts was dissipated. But recourse to Congress still remained. As appears from a memorandum furnished in support of this bill, the alleged equities of the case were presented to the Forty-second, the Forty-third, the Forty-fourth, the Forty-fifth, the Forty-sixth, the Forty-eighth, and the Forty-ninth Congresses. Two adverse and more than two favorable committee reports have been made upon the claim. No bill for the relief of the claimant has, however, passed Congress until the present session, when a favorable condition seems to have presented itself.

The bill herewith returned empowers and directs the accounting officers of the Treasury to settle and pay to the representatives of Maddox the amount found due him on account of the loss and damage he sustained by the seizure by our military forces of the tobacco purchased by him under the agreement referred to, excluding, however, the tobacco destroyed by fire in the city of Richmond, and provides that said claim shall be determined upon the evidence taken and now on file in the office of the clerk of the United States Court of Claims and the War Department and any other competent evidence.

I fail to appreciate the equities which entitle this claimant to further hearing.

Every intelligent man should be charged with the knowledge that as a general rule commercial intercourse with the enemy is entirely inconsistent with a state of war, and that the law of 1864 had for its object the encouragement of the insurgents themselves to bring their products to us, and not the authorization of persons to roam through the insurrectionary districts and purchase their products on speculation.

Even if the claimant did not understand these conditions, he certainly knew that his contract was based upon a statute; that the agent with whom he was contracting was a creature of statute, and that such statute and certain regulations of the Secretary of the Treasury made thereunder regulated the right and limited the action of all the parties to said contract. These things sufficiently appear from the very terms of the contract and the permit signed by the President. The privileges and liberties contained in this permit are expressly granted "with strict compliance with regulations of the Secretary of the Treasury."

If before or after entering into this contract the claimant had examined these regulations, he would have found that they provided that "commercial intercourse with localities beyond the lines of actual military occupation by the United States forces is absolutely prohibited."

He would have also found that such regulations expressly provided that the power of the agent of the Government to make contracts should be founded upon the statement that the contractor then owned or controlled the products for which he contracted. And yet the permit of the President, which so completely put the claimant upon inquiry as to what he might or might not do, seems now to be relied upon as the source of equities in his favor, and is pressed into his service under the guise of a sanction of his unlawful proceedings.

Besides the general knowledge the claimant should have possessed of the commercial disabilities consequent upon a state of war, and the information afforded him by his contract and permit, a proclamation of the President publicly issued September 24, 1864,* furnished abundant notice of the kind of trading which would be permitted.

The property for which compensation is asked constitutes a part only of that agreed to be furnished. None of it ever reached the possession of the agent of the Government, but, as I understand the case, was at the time of its seizure or destruction still in the territory of the enemy and in rebellious possession. If in the circumstances detailed it was treated by our military forces in like manner as other property in the same situation, there would seem to be no hardship in holding that the contractor assumed this risk as one arising from his unauthorized and, if successful, his profitable venture.

Not being satisfied that there are any especial equities which entitle this claim to more consideration than many others where equities might be claimed in behalf of those who long ago violated our nonintercourse laws, I am unwilling to sanction a precedent which if followed might substantially work a repeal of these laws, regarded necessary and expedient by those charged with legislation during the War of the Rebellion, and who had in full view all the necessities of that period.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 12, 1888.*

To the Senate:

I return without approval Senate bill No. 3276, entitled "An act granting restoration of pension to Sarah A. Woodbridge."

The first husband of this beneficiary, Anson L. Brewer, was an additional paymaster in the Army, and died February 2, 1866, from injuries received in an explosion of a steamer.

His widow, the beneficiary, was pensioned at the rate of $25 a month from the date of her husband's death until October 21, 1870, when she remarried, becoming the wife of Timothy Woodbridge.

Two children, who were minors at the time she was pensioned, became 16 years of age in April, 1870, and July, 1874, respectively.

*See Executive order of September 24, 1864, pp. 3441–3442.

Upon the remarriage of the beneficiary her pensior stopped under the law.

It is now proposed to restore her to the pension roll, notwithstanding the fact that her second husband is still alive.

Many cases have occurred in which pensions have been awarded by special acts to the widows of soldiers who, having remarried, were a second time made widows and rendered destitute by the death of their second husbands. I have not objected to such charitable legislation.

But I think this is the first time that it has been proposed to grant a pension after such remarriage when the second husband still survives.

It seems to me that such a precedent ought not to be established. If in pension legislation we attempt to determine the cases of this description in which the second husband can not or does not properly maintain the soldier's widow whom he has married, we shall open the door to much confusion and uncertainty, as well as unjust discrimination.

I am glad to learn from a statement contained in the committee's report that this beneficiary, though in a condition making the aid of a pension very desirable, has a small income derived from property inherited from her mother.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *October 12, 1888.*

I herewith return without approval Senate bill No. 1044, entitled "An act authorizing the Secretary of the Treasury to state and settle the account of James M. Willbur with the United States and to pay said Willbur such sum of money as may be found due him thereon."

The claim mentioned in this bill grows out of alleged extra work done by the claimant in the construction of the post-office and court-house building in the city of New York.

The United States, in September, 1874, entered into a contract with Messrs. Bartlett, Robbins & Co. by which they agreed to furnish and put in place certain wrought and cast iron work and glass for the illuminated tiling required for the said building according to certain specifications and schedules which formed a part of said contract. The work was to be of a specified thickness and the contractors were to be paid for the same at certain rates per superficial foot. The approximate estimate for the entire work was specified at $35,577.56. Samples of the tiling to be put in were submitted to the Supervising Architect and accepted by him.

In August, 1874, the claimant entered into an agreement in writing with Bartlett, Robbins & Co. to do this work as subcontractor for them at certain prices for each superficial foot of said tiling put in place.

In neither contract was the weight of the tiling mentioned.

The work was, under the contract with Messrs. Bartlett, Robbins & Co., completed, and after such completion and the measurement of the

work the said firm of Bartlett, Robbins & Co. were paid by the Government the sum of $35,217.57, in full satisfaction of their contract with the United States.

It appears that after the completion of the work the claimant gave notice to the Government that he had a claim against Bartlett, Robbins & Co., growing out of said work, for the sum of $8,744.44, and requested that payment be withheld from said firm until his claim against them was adjusted.

The fact that said claim had been made having been communicated by the Supervising Architect to Bartlett, Robbins & Co., on the 22d day of August, 1876, they responded to the Supervising Architect as follows:

DEAR SIR: We inclose copy of our account against Willbur and the Illuminated Tiling Company and a copy of Willbur's assignment to the Tile Company, which includes a copy of his agreement with us; and when the Department settles the measurement of the work the items in the contract will show just what the amount is, and, as we have repeatedly assured him, he will have all the measurements the Government gives us.

If anyone has cause of complaint in this case it is us. Four times the work came to a stand, or nearly so, and our Mr. B. was compelled to go to New York and stay until it was moving again, charging his expenses, by Willbur's request, and finally it had to be finished by others, etc. We know this does not interest you particularly, as you do not know him in the matter, but there has been so much willful misrepresentation we thought silence might be misconstrued.

It is charitable to think Willbur must be crazy.

Very respectfully, yours,

BARTLETT, ROBBINS & CO.

In an opinion of the Solicitor of the Treasury concerning this claim, dated November 30, 1883, I find a statement that on the 20th day of October, 1876, a paper was filed by the attorneys of the claimant in which his claim for extra work and material in performing his contract was alleged to be $21,857.94. It is further stated that this claim was hastily drawn by one of Willbur's attorneys and without consultation with him.

On or about the 20th day of March, 1877, Mr. Willbur himself filed a statement of such extra work and material, in which he claimed for the same the sum of $42,685.20.

Another statement made by Willbur, in February, 1878, presents a claim on account of the same matters amounting to $47,159.62.

This claim, so variously stated, is based upon the allegation that tiling and frames of greater thickness than were required by the contract were put in the building. Although it is insisted by the claimant that these thicker tiles and frames were directed to be put in, or at least accepted by the person having charge of the construction of the building for the Government, I hardly think it will be seriously contended that the claimant has any legal claim against the United States.

But, with a view of discovering whether, upon equitable grounds, the claimant should be paid anything by the Government for glass and iron of greater thickness than its contract with Bartlett, Robbins & Co.

required, and which had been put in its building by their subcontractor, the Secretary of the Treasury in 1884 appointed a committee of three persons to examine and report upon this claim of Willbur's, "with a view of determining what portion, if any, it is proper for the Government to pay."

On the 24th day of January, 1885, this committee made a report by which they determined that there should be paid to the claimant on account of the matters alleged the sum of $1,214.90.

This report was based upon the measurements, examinations, and estimates of two experts, one selected by the claimant and the other by the committee. The report was transmitted to the House of Representatives by the Secretary of the Treasury and an appropriation asked to pay the amount awarded.

But Mr. Willbur was not satisfied, and on the 6th day of January, 1885, addressed a communication to the Secretary of the Treasury in which this passage occurs:

> I shall insist on a remeasurement of the entire work, as this is vital to my claim. The excess which I furnished can only be ascertained by weight instead of by measuring the thickness of the plates and frames.

At the second session of the Forty-ninth Congress, and early in 1886, this claim was before the Senate Committee on Claims, and at the instance of the committee this work was again examined by experts, who came to the conclusion that the claimant was entitled to the sum of $45,615.67 for the extra work which he had performed and materials furnished.

It is only alleged that the glass tiling and frames actually put in the building were slightly thicker than those required by the contract, and this alleged increased thickness seems to be fairly represented in a general way by the claim that some of the glass and frames which were required to be 1 inch thick were actually put in 1 inch and a quarter thick.

Upon this statement it must be admitted that the sum above stated as the value of this extra thickness is somewhat startling. In the language of the report upon this bill by the Supervising Architect, "a claim of $47,159.02 for such slight excess on work the price of which was $35,217.57 is hardly entitled to consideration."

The claim, as well as the award of the experts last named, reach their astonishing proportions by the application of weights to the question in the following manner: A certain area is measured. A square foot of the tiling actually put in is weighed, and a square foot of the tiling required by the contract is also weighed. Both these weights are multiplied by the area. The lesser aggregate weight is deducted from the greater, and the difference is divided by the weight of a square foot of the lightest tiling, thus reducing it to square feet of such lightest tile. These square feet are multiplied by the price agreed to be paid by the contract for each superficial foot, and an item of extra work is determined. Thus additional

weight in constructed and finished tiling is converted, as far as price and measurement are concerned, into finished tile, which more than doubles the quantity actually laid down.

This can not be right. And yet the bill herewith returned directs the Secretary of the Treasury to settle this claim for extra work upon the basis of the report of the experts who have adopted this mode of adjustment; or, if not satisfied with their report, he shall within thirty days from the passage of the act cause a reweighing of said material to be made by two sworn experts, one to be appointed by him and one by the claimant, and a third to be appointed by these two in case they can not agree. The bill further provides that he shall then pay to said Willbur the difference of excess in weight and superficial measurement as found by said experts between the illuminated tiling and frames furnished and that contracted for at the contract prices for such work and material.

There are features of this claim which suggest suspicion as to its merit. In any view of the matter, I regard the claimant as seeking equitable relief. He is not entitled to dictate the rule by which his claim is to be adjusted, and he should be quite satisfied if the officers of the Government charged with the settlement of such matters are permitted by the Congress to afford equitable relief according to such rules and methods as are best calculated to reach fair results.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *October 15, 1888.*

I return without approval Senate bill No. 3306, entitled "An act granting a pension to Mary K. Richards."

The beneficiary named in this bill applied for a pension on the 14th day of November, 1878, and the same was rejected in April, 1879. Her claim has lately been reexamined, and since the passage of the bill herewith returned she has been allowed a pension by the Pension Bureau, it having been there determined that the former rejection was a manifest error.

With this action of the Pension Bureau I entirely concur.

I therefore venture, notwithstanding the persistent misrepresentations of my action in similar cases, to disapprove this bill, upon the ground that this deserving beneficiary will receive under the action of the Pension Bureau a much larger sum than she would if such action was superseded by the enactment of the proposed special statute in her behalf.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *October 15, 1888.*

I herewith return without approval Senate bill No. 3208, entitled "An act granting a pension to William S. Bradshaw."

The beneficiary mentioned in this bill was mustered into the military service as first lieutenant on the 28th day of October, 1861.

About eight months afterwards, and in June, 1862, he resigned from the service, his resignation being based upon a surgeon's certificate which he procured, and which is as follows:

William S. Bradshaw having applied for a certificate to accompany his resignation, I do hereby certify that I have carefully examined this officer and find that his disease is of a chronic pleuritic character, contracted (previous to his entering the service) four years since from an injury received in shoeing a fractious horse, in consequence of which he was laid up for a number of weeks with a severe attack of pleuritis; that he has never been able to endure severe labor since; that since entering the service active drilling or marching has invariably developed severe pleuritic pains about his chest and underneath his sternum, rendering him totally unfit for duty.

It is entirely evident that the statements contained in this certificate are of such a nature that they must have almost entirely been communicated to the surgeon by the officer himself. It will be observed that there is an absolute lack of any intimation that his disabilities were attributable in their origin to army service, and he surely can not ask us to believe that a man with the intelligence fitting him to be a commissioned officer in the Army, and having this certificate in his possession, did not know what it contained.

It furnished the reason for his honorable discharge in the dark days of his country's need and operated as an exemption from further military service.

And yet in September, 1883, more than twenty-one years after his discharge, he applied to the Pension Bureau for a pension, alleging lameness of breast and back, contracted in the service.

After an examination of all the facts I can not believe that this is a case in which a pension should be granted.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 16, 1888.*

To the House of Representatives:

I return without approval House bill No. 7657, entitled "An act granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth."

The husband of this beneficiary enlisted October 1, 1861. On the rolls of his company for May and June, 1862, he is reported as a deserter, and the report is the same on the muster-out roll of his regiment, dated October 24, 1864.

An effort was made on the application by the beneficiary for pension to the Pension Bureau to attribute the charge of desertion to the unfriendliness and injustice of the soldier's captain, and an unsuccessful effort was made to have the charge removed from the record by the Adjutant-General.

The soldier, therefore, is still recorded as a deserter from camp near Farmington, Miss., since March 12, 1862.

The application of the widow to the Pension Bureau in 1867 states that her husband was missing at Hamburg, Tenn., May 7, 1862, and not having since been heard from is supposed to be dead.

The captain of the company testifies that the soldier was employed with the ambulance corps, and that for misconduct he (the captain) ordered him to his company and censured him; that very soon after that the soldier was absent at roll call and was marked as absent without leave; that in a day or two after that a member of a detail returned to camp from Hamburg Landing and reported that he had seen the soldier there and had been told by him that "he was off and would never go back." Thereupon he was dropped from the roll as a deserter.

Various theories are presented to account for the soldier's absence in other ways than by desertion, some of his comrades going so far as to express the opinion that he was murdered at the instigation of his captain. None of these theories, however, seem to be more than conjectures with various degrees of plausibility.

If the question of desertion could be solved favorably to the beneficiary, another difficulty immediately arises from the fact that there is absolutely no proof of death except the soldier's long absence without knowledge of his whereabouts; and if his death could be presumed the cause of it and whether connected at all with military service are matters regarding which we have no information whatever.

I am unable to see how a case in such a situation can be considered a proper subject for favorable pension legislation.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 16, 1888.*

To the House of Representatives:

I return without approval House bill No. 10661, entitled "An act granting a pension to Mrs. Sophia Vogelsang."

The husband of this beneficiary was severely wounded in the military service of the United States, and in consequence of said wound his left leg was amputated. This was in 1862. In January, 1863, another amputation was performed higher up above the knee. He appears at that time to have been living, or at least was treated, at Detroit, Mich. He was pensioned at the rate of $30 per month at the time of his death, which occurred at Louisville, Ky., where he appears to have then resided, on the 21st day of July, 1885.

The beneficiary filed a claim for pension in November, 1885, alleging that her husband died of gangrene.

There does not, however, seem to be a particle of evidence establishing that cause of death. On the contrary, the report received at the Pension

Bureau of his death attributes it to sunstroke, and this does not seem to be directly questioned.

The report of the House committee to whom this bill was referred proceeds upon the theory that death was caused from the use of opium to allay the pain of the wound. This theory is presented upon the alleged opinion of the surgeon living in Detroit, who made the second amputation in 1863. He says that the pain of the wound obliged the soldier to take morphine. But it does not appear that he observed the case for a long time preceding death. Instead of his giving an opinion that the disability and morphine produced death, he says, as it is reported to me, after describing the condition of the limb previous to its amputation in 1863 and immediately thereafter:

> According to my opinion, said disability and the constant use of morphia in consequence of it may have been the cause of his death.

This and the statement of a druggist in Louisville that he sold him morphine to alleviate pain, and of two different persons with whom he boarded at that city in 1885 to the same effect, is all the evidence that I can discover tending in the least to hint that the death of the pensioner resulted from any cause but sunstroke, which really stands as the undisputed cause of death.

The allegation in the committee's report that the beneficiary's claim was rejected by the Pension Bureau on the ground that her husband's death proceeded from the use of morphine is erroneous. The cause of rejection is stated to be "that the death cause (sunstroke) was not the result of the soldier's military service."

We are not, therefore, left to the consideration of the question whether death from the use of morphine to allay pain can be charged to the disability incurred, for if death resulted from sunstroke it will hardly be claimed that it was in any way related to such disability.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 16, 1888*

To the House of Representatives:

I return without approval House bill No. 6201, entitled "An act granting a pension to John Robeson."

The beneficiary named in this bill enlisted August 8, 1862, and was discharged for disability on the 21st day of November, 1862, after a service of a little more than three months.

In the certificate of disability upon which his discharge was granted the captain of the beneficiary's company states that "he has been unfit for duty for sixty days; that the soldier represents that he has not done efficient service since enlistment by reason of phthisic, from which he has suffered since childhood, but has grown worse since entering the service.'

The surgeon of the regiment states in said certificate that "the soldier has asthma, with which he has been afflicted from his infancy."

Upon this certificate, based necessarily so far as his previous condition is concerned, this man procured his discharge after doing but very slight service.

He filed an application for pension in the Pension Bureau in October, 1879, basing his claim upon the allegation that he contracted asthma in September, 1862, about a month after he entered the service.

Two special examinations were had in his case, and his statement was taken in each.

On the first examination he said he could not account for the statements of his captain and surgeon, unless they arose from a remark he made that he had phthisic when he was small.

On the second he accounted for the statements of the captain and surgeon by saying that he felt very sick and feared that he could not live if he remained in the service; that he was suffering with jaundice as well as asthma; and having been told that he could not be discharged on account of jaundice, but could on account of asthma, he asked the captain to tell the surgeon that he had known him to have asthma before enlistment. He also says that he procured others to tell the same story.

On these examinations there was the usual negative testimony produced of certain parties who knew the claimant before enlistment and did not know that he was afflicted. This is balanced by the evidence of others, who testify that the claimant had asthma before enlistment.

Upon consideration of the character of the ailment, the testimony upon the two examinations, and the conduct of the beneficiary and his own admissions, I can not escape the conviction that whatever disability he had at the date of discharge he had when he enlisted, and that his claim was properly rejected by the Pension Bureau.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 16, 1888.*

To the House of Representatives:

I return without approval House bill No. 9106, entitled "An act granting a pension to Peter Liner."

The beneficiary named in this bill enlisted as a sergeant in the Regular Army in 1871, and he alleges that he served a previous term of enlistment, commencing in 1866.

While on a march from one post to another on the frontier, in September, 1874, the beneficiary was severely wounded by the bursting of a gun, necessitating the amputation of three of his fingers.

The reports of this occurrence develop the fact that the gun which burst in his hands was a shotgun, and that the accident happened while the beneficiary was hunting "for his own pleasure or benefit."

His wound was a severe one, and the injured man was probably a good and faithful soldier, but it seems quite clear to me that it would be extending the pension theory to an unwarrantable limit to hold the Government responsible for such an accident.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 16, 1888.*

To the House of Representatives:

I herewith return without approval House bill No. 10563, entitled "An act granting a pension to William S. Latham."

The beneficiary named in this bill enlisted in August, 1862. The rolls for March and April, 1863, report him a deserter, but it having been ascertained that sickness was the cause of his failure to return to his regiment at the end of a furlough granted to him, upon which failure the charge of desertion was based, he was restored to his company and the charge of desertion removed.

All this is stated in the report of the committee to which this bill was referred.

But it is not mentioned in said report that he was again furloughed on the 17th day of August, 1863, and, failing to return at the end of his furlough, one month thereafter, again became a deserter, but was not so reported until October 8, 1863.

He was arrested January 1, 1864, but there appears to be no record of his trial or his restoration.

He filed a claim for pension in the Pension Bureau in January, 1870, and he was informed twice during the year 1888 that no favorable action could be taken until the charge of desertion had been removed.

On application to the Adjutant-General that officer, on the 21st day of February, 1888, declined to remove said charge of desertion.

The claim is still pending before the Pension Bureau.

I do not suppose that the Congress is prepared to go so far in special pension legislation as to grant pensions to those against whom charges of desertion appear of record.

In the belief that the fact of the second desertion above mentioned was overlooked by the Congress, and because the application for pension in this case is still pending in the Pension Bureau, where complete justice can still be done, I am constrained to withhold my approval of this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 17, 1888.*

To the House of Representatives:

I return without approval House bill No. 2472, entitled "An act granting a pension to Lydia A. Eaton."

The husband of this beneficiary was pensioned for chronic rheumatism, at the rate of $4 a month, up to the date of his death, August 4, 1884.

The beneficiary filed a claim for pension on the 2d day of September, 1884.

The cause of her husband's death was cystitis, which, being interpreted, is inflammation of the bladder.

The claim of the beneficiary was rejected on the ground that the fatal disease was not due to army service, and I fail to discover how any other conclusion can be reached.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 17, 1888.*

To the House of Representatives:

I return without approval House bill No. 10342, entitled "An act granting a pension to John Dauper."

This beneficiary enlisted April 24, 1861, and was discharged August 28, 1861, four months after enlistment.

He filed a claim for pension in September, 1879, alleging as cause of disability diarrhea and disease of the stomach, liver, kidneys, and bladder.

None of these ailments were established satisfactorily as originating in the soldier's brief service, and as constituting disabilities after discharge.

The claim was therefore rejected by the Pension Bureau, and this action appears to be entirely justified upon the facts presented.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 17, 1888.*

To the House of Representatives:

I return without approval House bill No. 11005, entitled "An act granting a pension to Ester Gaven."

This act provides that the beneficiary shall be placed upon the pension roll as the widow of Bernard Gaven, and the report of the committee to whom this bill was referred throughout speaks of her as bearing that relation to the soldier.

She filed a claim in the Pension Bureau for a pension on the 31st day of January, 1881, as the mother of Bernard Gaven.

This claim is still pending, and though evidence that the death of the soldier had any relation to his military service is entirely lacking and some other difficulties are apparent, the case may still be made out in the Pension Bureau. If it is, the beneficiary can be put upon the pension roll in her true character as mother of the soldier, instead of widow, as erroneously stated in the bill herewith returned.

Upon the merits as the case now stands, and because of the mistake in describing the relationship of the beneficiary, this bill, I think, should not become a law.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 17, 1888.*

To the House of Representatives:

I return without approval House bill No. 10504, entitled "An act granting a pension to Mary Hooper."

The husband of this beneficiary was first lieutenant in the volunteer service from December 7, 1861, to February 28, 1862, a little over two months, when he resigned. His resignation was based upon a medical certificate in which it is stated that "this officer is unfit for duty on account of chronic pleuritis and pulmonary consumption, from which he has suffered for the past four months."

This certificate is dated February 14, 1862.

The soldier filed a claim in 1871 alleging typhoid fever resulting in paralysis, and that the fever was contracted in the latter part of February, 1862.

The soldier died January 17, 1884, of paralysis.

The beneficiary filed a claim for pension November 17, 1887, claiming that her husband died of disease contracted in the service.

The claims have been specially and thoroughly examined. The testimony does not establish any disease or disability in the service other than those stated in the certificate procured by him when he resigned, but it does tend to establish that about April 17, 1862, after his resignation, the soldier was sick with typhoid fever, and that afterwards he suffered from partial paralysis, which increased and finally caused his death.

I make no reference to the fact stated in the committee's report suggesting the idea that the courage of the deceased soldier had been questioned further than to correct the allegation of the report that either his or his widow's claim for pension has been rejected for cowardice. It appears from the record furnished to me that they were rejected on the ground that the evidence is insufficient to connect the death cause or disability with the soldier's military service.

I am unable to see what other conclusion could be reached in the face of the soldier's own statements, as contained in the medical certificate furnished him and elsewhere made, and upon consideration of the other facts in the case.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 17, 1888.*

To the House of Representatives:

I return without approval House bill No. 4820, entitled "An act granting a pension to Ellen Kelley."

The husband of this beneficiary was granted a furlough to go home and vote on the 31st day of October, 1864. On his way there he was severely injured by a railroad collision, and there does not seem to be a particle of doubt that the injuries thus sustained caused his death.

Upon these facts this does not seem to be a proper case for the granting of a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 17, 1888.*

To the House of Representatives:

I return without approval House bill No. 11222, entitled "An act granting a pension to Elizabeth Heckler."

The husband of this beneficiary was pensioned for asthma, and there is no doubt of the propriety of such pension, nor is there doubt upon the evidence that this affection continued up to the time of his death.

But he died of acute inflammation of the bladder and chronic enlargement of prostate gland. There is no proof that these causes of death were in the least complicated with the difficulty for which the deceased was pensioned, or any other trouble which was the result of military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 17, 1888.*

To the House of Representatives:

I return without approval House bill No. 4102, entitled "An act granting a pension to Mary A. Carr."

The husband of this beneficiary served in the Army from November 5, 1863, to June 15, 1865. He made a claim for pension for injury to his left ankle, caused by being thrown from a horse while in the service, and some time after his death a pension was allowed upon his claim, at the rate of $4 per month, commencing at the date of his discharge and ending at the date of his death.

He died on the 16th day of March, 1877, of apoplexy, and his widow filed a claim for pension on her own behalf in March, 1885, based upon the allegation that the injury for which her husband was pensioned was the cause of his death.

I can not upon the facts of this case arrive at a conclusion different from the Pension Bureau, where it was determined that the death of the soldier could not be accepted as having been caused by the injury to his ankle.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October 17, 1888.*

To the House of Representatives:

I return without approval House bill No. 11332, entitled "An act granting a pension to Eliza S. Glass."

The husband of this beneficiary was in the military service from December 28, 1863, to April 27, 1864, a period of four months. He was discharged at the last-mentioned date for disability, the surgeon stating in the certificate his trouble to be "chronic hemorrhoids and rheumatism, both together producing lameness of back; unfit for Invalid Corps." The captain of the soldier's company in the same certificate states:

During the last two months said soldier has been unfit for duty fifty-four days in consequence of chronic rheumatism, owing to spinal affections and sprains received before entering the service, and made worse by drilling in double quick.

He filed a claim for pension December 24, 1879, more than fifteen years after discharge, in which he claimed that on the 15th day of January, 1864, he received an injury to his back by slipping and falling upon the ground.

After a thorough examination this claim was rejected on the ground that his disability existed prior to enlistment.

The beneficiary filed a claim for pension December 3, 1885, alleging the death of the soldier April 26, 1885. This claim was also rejected, on the ground that the death causes, "nervous prostration and spinal trouble," were not due to the service.

Both of these cases were appealed to the Secretary of the Interior, and in the decision of said appeals it is stated that upon an application for a discharge from the service the soldier first set up an injury to his back from a fall while on drill; that the regimental surgeon refused to entertain this proposition; that the next day the soldier returned, and upon the representations of himself and his captain that his trouble dated back of the alleged accident upon drill and was chronic the certificate for discharge was made out, and pursuant thereto his discharge was granted.

I am of the opinion that, considering the cause of death and all the facts and circumstances surrounding this case, the certificate of discharge which the soldier himself procured to be made out should stand as stating the true origin of his disability; and if the certificate was set aside and all the facts tending to support it were disregarded, the cause of death would still, in my opinion, appear to be disconnected with military service.

GROVER CLEVELAND.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas the title to all that territory lying between the north and south forks of the Red River and the hundredth degree of longitude and jurisdiction over the same are vested in the United States, it being a part of the Indian Territory, as shown by surveys and investigation made on behalf of the United States, which territory the State of Texas also claims title to and jurisdiction over; and

Whereas said conflicting claim grows out of a controversy existing between the United States and the State of Texas as to the point where the hundredth degree of longitude crosses the Red River, as described in the treaty of February 22, 1819, between the United States and Spain, fixing the boundary line between the two countries; and

Whereas the commissioners appointed on the part of the United States

under the act of January 31, 1885, authorizing the appointment of a commission by the President to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas, have by their report determined that the South Fork is the true Red River designated in the treaty, the commissioners appointed on the part of said State refusing to concur in said report:

Now, therefore, I, Grover Cleveland, President of the United States, do hereby admonish and warn all persons, whether claiming to act as officers of the county of Greer, in the State of Texas, or otherwise, against selling or disposing of, or attempting to sell or dispose of, any of said lands or from exercising or attempting to exercise any authority over said lands.

And I also warn and admonish all persons against purchasing any part of said territory from any person or persons whomsoever.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[*seal.*] Done at the city of Washington, this 30th day of December, A. D. 1887, and of the Independence of the United States the one hundred and twelfth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory proof has been given to me by the Government of the Empire of Germany that no tonnage or light-house dues, or any equivalent tax or taxes whatever, are imposed upon American vessels entering the ports of the Empire of Germany, either by the Imperial Government or by the governments of the German maritime States, and that vessels belonging to the United States of America and their cargoes are not required in German ports to pay any fee or due of any kind or nature, or any import due higher or other than is payable by German vessels or their cargoes:

Now, therefore, I, Grover Cleveland, President of the United States of America, by virtue of the authority vested in me by section 11 of the act of Congress entitled "An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," approved June 19, 1886, do hereby declare and proclaim that from and after the date of this my proclamation shall be suspended the collection

of the whole of the duty of 6 cents per ton, not to exceed 30 cents per ton per annum (which is imposed by said section of said act), upon vessels entered in the ports of the United States from any of the ports of the Empire of Germany.

Provided, That there shall be excluded from the benefits of the suspension hereby declared and proclaimed the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels of such foreign country or their cargoes, or of the fees, dues, or duties imposed on the vessels of Germany or the cargoes of such vessels.

And the suspension hereby declared and proclaimed shall continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued in the said ports of the Empire of Germany, and no longer.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 26th day of January, A. D. 1888, and of the Independence of the United States the one hundred and twelfth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory proof has been given to me that no light-house and light dues, tonnage dues, beacon and buoy dues, or other equivalent taxes of any kind are imposed upon vessels of the United States in the ports of the island of Guadeloupe, one of the French West India Islands:

Now, therefore, I, Grover Cleveland, President of the United States of America, by virtue of the authority vested in me by section 11 of the act of Congress entitled "An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," approved June 19, 1886, do hereby declare and proclaim that from and after the date of this my proclamation shall be suspended the collection of the whole of the tonnage duty which is imposed by said section of said act upon vessels entered in the ports of the United States from any of the ports of the island of Guadeloupe.

Provided, That there shall be excluded from the benefits of the suspension hereby declared and proclaimed the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels

of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels of such foreign country or their cargoes, or of the fees, dues, or duties imposed on the vessels of the country in which are the ports mentioned in this proclamation or the cargoes of such vessels.

And the suspension hereby declared and proclaimed shall continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued in the said ports of the island of Guadeloupe, and no longer.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 16th day of April, A. D. 1888, and of the Independence of the United States the one hundred and twelfth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,
Secretary of State.

A PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES.

Constant thanksgiving and gratitude are due from the American people to Almighty God for His goodness and mercy, which have followed them since the day He made them a nation and vouchsafed to them a free government. With loving kindness He has constantly led us in the way of prosperity and greatness. He has not visited with swift punishment our shortcomings, but with gracious care He has warned us of our dependence upon His forbearance and has taught us that obedience to His holy law is the price of a continuance of His precious gifts.

In acknowledgment of all that God has done for us as a nation, and to the end that on an appointed day the united prayers and praise of a grateful country may reach the throne of grace, I, Grover Cleveland, President of the United States, do hereby designate and set apart Thursday, the 29th day of November instant, as a day of thanksgiving and prayer, to be kept and observed throughout the land.

On that day let all our people suspend their ordinary work and occupations, and in their accustomed places of worship, with prayer and songs of praise, render thanks to God for all His mercies, for the abundant harvests which have rewarded the toil of the husbandman during the year that has passed, and for the rich rewards that have followed the labors of our people in their shops and their marts of trade and traffic. Let us give thanks for peace and for social order and contentment within our borders, and for our advancement in all that adds to national greatness.

And mindful of the afflictive dispensation with which a portion of

our land has been visited, let us, while we humble ourselves before the power of God, acknowledge His mercy in setting bounds to the deadly march of pestilence, and let our hearts be chastened by sympathy with our fellow-countrymen who have suffered and who mourn.

And as we return thanks for all the blessings which we have received from the hands of our Heavenly Father, let us not forget that He has enjoined upon us charity; and on this day of thanksgiving let us generously remember the poor and needy, so that our tribute of praise and gratitude may be acceptable in the sight of the Lord.

Done at the city of Washington on the 1st day of November, 1888, and in the year of the Independence of the United States the one hundred and thirteenth.

[SEAL.]

In witness whereof I have hereunto signed my name and caused the seal of the United States to be affixed.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,

Secretary of State.

EXECUTIVE ORDERS.

REVISED CIVIL-SERVICE RULES.

EXECUTIVE MANSION, *February 2, 1888.*

In the exercise of power vested in him by the Constitution and of authority given to him by the seventeen hundred and fifty-third section of the Revised Statutes and by an act to regulate and improve the civil service of the United States, approved January 16, 1883, the President hereby makes and promulgates the following rules and revokes the rules known as "Amended Civil-Service Rules" and "Special Rule No. 1," heretofore promulgated under the power and authority referred to herein: *Provided*, That this revocation shall not be construed as an exclusion from the classified civil service of any now classified customs district or classified post-office.

GENERAL RULES.

GENERAL RULE I.

Any officer in the executive civil service who shall use his official authority or influence for the purpose of interfering with an election or controlling the result thereof; or who shall dismiss, or cause to be dismissed, or use influence of any kind to procure the dismissal of any person from any place in the said service because such person has refused to be coerced in his political action or has refused to contribute money for political purposes, or has refused to render political service; and any officer, clerk, or other employee in the executive civil service who shall wilfully

violate any of these rules, or any of the provisions of sections 11, 12, 13, and 14 of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, shall be dismissed from office.

GENERAL RULE II.

There shall be three branches of the classified civil service, as follows:

1. The classified departmental service.
2. The classified customs service.
3. The classified postal service.

GENERAL RULE III.

1. No person shall be appointed or employed to enter the civil service, classified in accordance with section 163 of the Revised Statutes and under the "Act to regulate and improve the civil service of the United States," approved January 16, 1883, until he shall have passed an examination or shall have been shown to be specially exempted therefrom by said act or by an exception to this rule set forth in connection with the rules regulating admission to the branch of the service he seeks to enter.

2. No noncompetitive examination shall be held except under the following conditions:

(*a*) The failure of competent persons to be, after due notice, competitively examined, thus making it impracticable to supply to the appointing officer in due time the names of persons who have passed a competitive examination.

(*b*) That a person has been during one year or longer in a place excepted from examination, and the appointing or nominating officer desires the appointment of such person to a place not excepted.

(*c*) That a person has served two years continuously since July 16, 1883, in a place in the departmental service below or outside the classified service, and the appointing officer desires, with the approval of the President, upon the recommendation of the Commission, to promote such person into the classified service because of his faithfulness and efficiency in the position occupied by him, and because of his qualifications for the place to which the appointing officer desires his promotion.

(*d*) That an appointing or nominating officer desires the examination of a person to test his fitness for a classified place which might be filled under exceptions to examination declared in connection with the rules regulating admission to the classified service.

(*e*) That the Commission, with the approval of the President, has decided that such an examination should be held to test fitness for any particular place requiring technical, professional, or scientific knowledge, special skill, or peculiar ability, to test fitness for which place a competitive examination can not, in the opinion of the Commission, be properly provided.

(*f*) That a person who has been appointed from the copyist register wishes to take the clerk examination for promotion to a place the salary of which is not less than $1,000 per annum.

(*g*) To test the fitness of a person for a place to which his transfer has been requested.

(*h*) When the exigencies of the service require such examination for promotion as provided by clause 6 of this rule.

3. All applications for examination must be made in form and manner prescribed by the Commission.

4. No person serving in the Army or Navy shall be examined for admission to the classified service until the written consent of the head of the Department under which he is enlisted shall have been communicated to the Commission.

No person who is an applicant for examination or who is an eligible in one branch

of the classified service shall at the same time be an applicant for examination in any other branch of said service.

5. The Commission may refuse to examine an applicant who would be physically unable to perform the duties of the place to which he desires appointment. The reason for any such action must be entered on the minutes of the Commission.

6. For the purpose of establishing in the classified civil service the principle of compulsory competitive examination for promotion, there shall be, so far as practicable and useful, compulsory competitive examinations of a suitable character to test fitness for promotion; but persons in the classified service who were honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors, shall be exempt from such examinations.

The Commission may make regulations, applying them to any part of the classified service, under which regulations all examinations for promotion therein shall be conducted and all promotions be made; but until regulations in accordance herewith have been applied to any part of the classified service promotions therein shall be made in the manner provided by the rules applicable thereto. And in any part of the classified service in which promotions are made under examination as herein provided the Commission may in special cases, if the exigencies of the service require such action, provide noncompetitive examinations for promotion.

Persons who were in the classified civil service on July 16, 1883, and persons who have been since that date or may be hereafter put into that service by the inclusion of subordinate places, clerks, and officers, under the provisions of section 6 of the act to regulate and improve the civil service of the United States, approved January 16, 1883, shall be entitled to all rights of promotion possessed by persons of the same class or grade appointed after examination under the act referred to above.

7. No question in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of competitors, and no discrimination in examination, certification, or appointment shall be made by the Commission, the examiners, or the appointing or nominating officer in favor of or against any applicant, competitor, or eligible because of his political or religious opinions or affiliations. The Commission, the examiners, and the appointing or nominating officer shall discountenance all disclosures of such opinions or affiliations by or concerning any applicant, competitor, or eligible; and any appointing or nominating officer who shall make inquiries concerning or in any other way attempt to ascertain the political or religious opinions or affiliations of any eligible, or who shall discriminate in favor of or against any eligible because of the eligible's political or religious opinions or affiliations, shall be dismissed from office.

8. Every applicant must state under oath—

(*a*) His full name.

(*b*) That he is a citizen of the United States.

(*c*) Year and place of his birth.

(*d*) The State, Territory, or District of which he is a *bona fide* resident, and the length of time he has been a resident thereof.

(*e*) His post-office address.

(*f*) His business or employment during the three years immediately preceding the date of his application, and where he has resided each of those years.

(*g*) Condition of his health, and his physical capacity for the public service.

(*h*) His previous employment in the public service.

(*i*) Any right of preference in civil appointments he may claim under section 1754 of the Revised Statutes.

(*j*) The kind of school in which he received his education.

(*k*) That he does not habitually use intoxicating beverages to excess.

(*l*) That he has not within the one year next preceding the date of his application been dismiss[illegible]rom the public service for delinquency or misconduct.

(*m*) Such other facts as the Commission may require.

9. Every applicant for examination for the classified departmental service must support the statements of his application paper by certificates of persons acquainted with him, residents of the State, Territory, or District in which he claims *bona fide* residence; and the Commission shall prescribe the form and number of such certificates.

10. A false statement made by an applicant, or connivance by him with any person to make on his behalf a false statement in any certificate required by the Commission, and deception or fraud practiced by an applicant, or by any person on his behalf with his consent, to influence an examination, shall be good cause for refusal to examine such applicant or for refusing to mark his papers after examination.

11. All examinations shall be prepared and conducted under the supervision of the Commission; and examination papers shall be marked under rules made by the Commission, which shall take care that the marking examiners do not know the name of any competitor in an examination for admission whose papers are intrusted to them.

12. For the purpose of marking examination papers boards of examiners shall be appointed by the Commission, one to be known as the central board, which shall be composed of persons in the classified service, who shall be detailed for constant duty at the office of the Commission. Under supervision of the Commission the central board shall mark the papers of the copyist and of the clerk examinations, and such of the papers of the supplementary, special, and promotion examinations for the departmental service and of examinations for admission to or promotion in the other branches of the classified services as shall be submitted to it by the Commission.

13. No person shall be appointed to membership on any board of examiners until after the Commission shall have consulted with the head of the Department or of the office under whom such person is serving.

14. An examiner shall be allowed time during office hours to perform his duties as examiner, which duties shall be considered part of his official duties.

15. The Commission may change the membership of boards of examiners and—

(*a*) Prescribe the manner of organizing such boards.

(*b*) More particularly define their powers.

(*c*) Specifically determine their duties and the duties of the members thereof.

16. Each board shall keep such records and make such reports as the Commission may require, and such records shall be open to the inspection of any member of this Commission or other person acting under authority of the Commission, which may, for the purposes of investigation, take possession of such records.

GENERAL RULE IV.

1. The names of all competitors who shall successfully pass an examination shall be entered upon a register, and the competitors whose names have been thus registered shall be eligible to any office or place to test fitness for which the examination was held.

2. The Commission may refuse to certify—

(*a*) An eligible who is so defective in sight, speech, or hearing, or who is otherwise so defective physically as to be apparently unfit to perform the duties of the position to which he is seeking appointment.

(*b*) An eligible who has made a false statement in his application, or been guilty of fraud or deceit in any matter connected with his application or examination, or who has been guilty of a crime or of infamous or notoriously disgraceful conduct.

3. If an appointing or nominating officer to whom certification has been made shall object in writing to any eligible named in the certificate, stating that because of physical incapacity or for other good cause particularly specified such eligible is not capable of properly performing the duties of the vacant place, the Commission

may, upon investigation and ascertainment of the fact that the objection made is good and well founded, direct the certification of another eligible in place of the one to whom objection has been made.

GENERAL RULE V.

Executive officers shall in all proper ways facilitate civil-service examinations; and customs officers, postmasters, and custodians of public buildings at places where such examinations are to be held shall for the purposes of such examinations permit and arrange for the use of suitable rooms under their charge, and for heating, lighting, and furnishing the same.

GENERAL RULE VI.

No person dismissed for misconduct, and no probationer who has failed to receive absolute appointment or employment, shall be admitted to any examination within one year after having been thus discharged from the service.

GENERAL RULE VII.

1. Persons who have a *prima facie* claim of preference for appointments to civil offices under section 1754, Revised Statutes, shall be preferred in certifications made under the authority of the Commission to any appointing or nominating officer.

2. In making any reduction of force in any branch of the classified civil service those persons shall be retained who, being equally qualified, have been honorably discharged from the military or naval service of the United States, and also the widows and orphans of deceased soldiers and sailors.

GENERAL RULE VIII.

The Commission shall have authority to prescribe regulations under and in accordance with these general rules and the rules relating specially to each of the several branches of the classified service.

DEPARTMENTAL RULES.

DEPARTMENTAL RULE I.

1. The classified departmental service shall include the several officers, clerks, and other persons in any Department, commission, or bureau at Washington classified under section 163 of the Revised Statutes, or by direction of the President for the purposes of the examinations prescribed by the civil-service act of 1883, or for facilitating the inquiries as to fitness of candidates for admission to the departmental service in respect to age, health, character, knowledge, and ability, as provided for in section 1753 of the Revised Statutes.

2. The word "department," when used in the general or departmental rules, shall be construed to mean any such Department, commission, or bureau classified as above prescribed.

DEPARTMENTAL RULE II.

1. To test the fitness of applicants for admission to the classified departmental service there shall be examinations as follows:

Copyist examination.—For places of $900 per annum and under. This examination shall not include more than the following subjects:

(*a*) Orthography.

(*b*) Copying.

(*c*) Penmanship.

(*d*) Arithmetic—fundamental rules, fractions, and percentage.

Clerk examination.—For places of $1,000 per annum and upward. This examination shall not include more than the following subjects:

(*a*) Orthography.

(*b*) Copying.
(*c*) Penmanship.
(*d*) Arithmetic—fundamental rules, fractions, percentage, interest, and discount.
(*e*) Elements of bookkeeping and of accounts.
(*f*) Elements of the English language.
(*g*) Letter writing.
(*h*) Elements of the geography, history, and government of the United States.

Supplementary examinations.—For places which, in the opinion of the Commission, require, in addition to the knowledge required to pass the copyist or the clerk examination, certain technical, professional, or scientific knowledge, or knowledge of a language other than the English language, or peculiar or special skill.

Special examinations.—For places which, in the opinion of the Commission, require certain technical, professional, or scientific knowledge or skill. Each special examination shall embrace, in addition to the special subject upon which the applicant is to be tested, as many of the subjects of the clerk examination as the Commission may decide to be necessary to test fitness for the place to be filled.

Noncompetitive examinations.—For any place in the departmental service for which the Commission may from time to time (subject to the conditions prescribed by General Rule III, clause 2) determine that such examinations ought to be held.

2. An applicant may take the copyist or the clerk examination and any or all of the supplementary and special examinations provided for the departmental service, subject to such limitations as the Commission may by regulation prescribe; but no person whose name is on a departmental register of eligibles shall during the period of his eligibility be allowed reexamination unless he shall satisfy the Commission that at the time of his examination he was unable, because of illness or other good cause, to do himself justice in said examination; and the rating upon such reexamination shall cancel and be a substitute for the rating of such person upon the previous examination.

3. Exceptions from examination in the classified departmental service are hereby made as follows:

(*a*) One private secretary or one confidential clerk of the head of each classified Department and of each assistant secretary thereof, and also of each head of bureau appointed by the President by and with the advice and consent of the Senate.

(*b*) Direct custodians of money for whose fidelity another officer is under official bond; but this exception shall not include any officer below the grade of assistant cashier or assistant teller.

(*c*) Disbursing officers who give bonds.
(*d*) Persons employed exclusively in the secret service of the Government.
(*e*) Chief clerks.
(*f*) Chiefs of divisions.

4. No person appointed to a place under the exceptions to examination hereby made shall within one year after appointment be transferred from such place to a place not also excepted from examination, but after service of not less than one year in an examination-excepted place he may be transferred in the bureau in which he is serving to a place not excepted from examination: *Provided*, That before any such transfer may be made the Commission must certify that the person whom it is proposed to so transfer has passed an examination to test fitness for the place proposed to be filled by such transfer.

DEPARTMENTAL RULE III.

In compliance with the provisions of section 3 of the civil-service act the Commission shall provide examinations for the classified departmental service at least twice in each year in every State or Territory in which there are a sufficient number of applicants for such examinations; and the places and times of examinations shall

when practicable, be so fixed that each applicant may know at the time of making his application when and where he may be examined; but applicants may be notified to appear at any place at which the Commission may order an examination.

DEPARTMENTAL RULE IV.

1. Any person not under 20 years of age may make application for admission to the classified departmental service, blank forms for which purpose shall be furnished by the Commission.

2. Every application for admission to the classified departmental service should be addressed as follows: "United States Civil Service Commission, Washington, D. C."

3. The date of reception and also of approval by the Commission of each application shall be noted on the application paper.

DEPARTMENTAL RULE V.

1. The papers of all examinations for admission to or promotion in the classified departmental service shall be marked as directed by the Commission.

2. The Commission shall have authority to appoint the following-named boards of examiners, which shall conduct examinations and mark examination papers as follows:

Central board.—As provided for by General Rule III, clause 12.

Special boards.—These boards shall mark such papers of special examinations for the classified departmental service as the Commission may direct, and shall be composed of persons in the public service.

Supplementary boards.—These boards shall mark the papers of such supplementary examinations for the classified departmental service as the Commission may direct, and shall be composed of persons in the public service.

Promotion boards.—One for each Department, of three members, and one auxiliary member for each bureau of the Department for which the board is to act. Unless the Commission shall otherwise direct, these boards shall mark the papers of promotion examinations.

Local boards.—These boards shall be organized at one or more places in each State and Territory where examinations for the classified departmental service are to be held, and shall conduct such examinations; and each shall be composed of persons in the public service residing in the State or Territory in which the board is to act.

Customs and postal boards.—These boards shall conduct such examinations for the classified departmental service as the Commission shall direct.

DEPARTMENTAL RULE VI.

1. The papers of the copyist and of the clerk examinations shall be marked by the central board; the papers of special and supplementary examinations shall be marked as directed by the Commission. Each competitor in any of the examinations mentioned or referred to above shall be graded on a scale of 100, according to the general average determined by the marks made by the examiners on his papers.

2. The papers of an examination having been marked, the Commission shall ascertain—

(*a*) The name of every competitor who has, under section 1754 of the Revised Statutes, claim of preference in civil appointments, and who has attained a general average of not less than 65 per cent; and all such competitors are hereby declared eligible to the class or place to test fitness for which the examination was held.

(*b*) The name of every other competitor who has attained a general average of not less than 70 per cent; and all such competitors are hereby declared eligible to the class or place to test fitness for which the examination was held.

3. The names of all preference-claiming competitors whose general average is not less than 65 per cent, together with the names of all other competitors whose general

average is not less than 70 per cent, shall be entered upon the register of persons eligible to the class or place to test fitness for which the examination was held.

4. To facilitate the maintenance of the apportionment of appointments among the several States and Territories and the District of Columbia, required by section 2 of the act to regulate and improve the civil service of the United States, approved January 16, 1883, there shall be lists of eligibles for each State and Territory and for the District of Columbia, upon which shall be entered the names of the competitors from that State or Territory or the District of Columbia who have passed the copyist and the clerk examinations, the names of those who have passed the copyist examination and of those who have passed the clerk examination being listed separately; the names of male and of female eligibles in such examinations being also listed separately.

5. But the names of all competitors who have passed a supplementary or a special examination shall be entered, without regard to State residence, upon the register of persons eligible to the class or place to test fitness for which supplementary or special examination was held.

6. The grade of each competitor shall be expressed by the whole number nearest the general average attained by him, and the grade of each eligible shall be noted upon the register of eligibles in connection with his name. When two or more eligibles are of the same grade, preference in certification shall be determined by the order in which their application papers were filed.

7. Immediately after the general averages in an examination shall have been ascertained each competitor shall be notified that he has passed or has failed to pass.

8. If a competitor fail to pass, he may, with the consent of the Commission, be allowed reexamination at any time within six months from the date of failure without filing a new application; but a competitor failing to pass, desiring to take again the same examination, must, if not allowed reexamination within six months from the date of failure, make in due form a new application therefor.

9. No person who has passed an examination shall, while eligible on the register supplied by such examination, be reexamined, unless he shall furnish evidence satisfactory to the Commission that at the time of his examination he was, because of illness or other good cause, incapable of doing himself justice in said examination.

10. The term of eligibility to appointment under the copyist and the clerk examinations shall be one year from the day on which the name of the eligible is entered on the register. The term of eligibility under a supplementary or a special examination shall be determined by the Commission, but shall not be less than one year.

DEPARTMENTAL RULE VII.

1. Vacancies in the classified departmental service, unless among the places excepted from examination, if not filled by either promotion or transfer, shall be filled in the following manner:

(*a*) The appointing officer shall, in form and manner to be prescribed by the Commission, request the certification to him of the names of either males or females eligible to a certain place then vacant.

(*b*) If fitness for the place to be filled is tested by competitive examination, the Commission shall certify the names of three males or three females, these names to be those of the eligibles who, standing higher in grade than any other three eligibles of the same sex on the list of eligibles from which certification is to be made, have not been certified three times to the officer making the requisition: *Provided*, That if upon any register from which certification is to be made there are the names of eligibles who have, under section 1754 of the Revised Statutes, claim of preference in civil appointments, the names of such eligibles shall be certified before the names of other eligibles higher in grade. The Commission shall make regulations that will secure to each of such preference-claiming eligibles, in the order of his grade among

other preference claimants, an opportunity to have his claim of preference considered and determined by the appointing officer.

2. Certifications hereunder shall be made in such manner as to maintain as nearly as possible the apportionment of appointments among the several States and the Territories and the District of Columbia, as required by law.

3. If the three names certified are those of persons eligible on the copyist or the clerk register, the appointing officer shall select one, and one only, and shall notify the person whose name has been selected that he has been designated for appointment: *Provided*, That, for the purpose of maintaining the apportionment of appointments referred to in clause 2 of this rule, the Commission may authorize the appointing officer to select more than one of the three names certified.

When certification is made from a supplementary or a special register, and there are more vacancies than one to be filled, the appointing officer may select from the three names certified more than one.

4. The Commission may certify from the clerk register for appointment to a place the salary of which is less than $1,000 per annum any eligible on said register who has given written notice that he will accept such a place.

5. When a person designated for appointment shall have reported in person to the appointing officer, he shall be appointed for a probational period of six months, at the end of which period, if his conduct and capacity be satisfactory to the appointing officer, he shall receive absolute appointment; but if his conduct and capacity be not satisfactory to said officer he shall be notified that he will not receive absolute appointment, and this notification shall discharge him from the service. The appointing officer shall require the heads of bureaus or divisions under whom probationers are serving to keep a record and to make report of the punctuality, industry, habits, ability, and aptitude of each probationer.

6. All persons appointed to or promoted in the classified departmental service shall be assigned to the duties of the class or place to which they have been appointed or promoted, unless the interests of the service require their assignment to other duties; and when such assignment is made the fact shall be reported to the head of the Department.

DEPARTMENTAL RULE VIII.

1. Transfers will be made as follows:

(*a*) From one Department to another, upon requisition by the head of the Department to which the transfer is to be made.

(*b*) From a bureau of the Treasury Department in which business relating to the customs is transacted to a classified customs district, and from such a district to such a bureau of the Treasury Department, upon requisition by the Secretary of the Treasury.

(*c*) From the Post-Office Department to a classified post-office, and from such an office to the Post-Office Department, upon requisition by the Postmaster-General.

2. No person may be transferred as herein authorized until the Commission shall have certified to the officer making the transfer requisition that the person whom it is proposed to transfer has passed an examination to test fitness for the place to which he is to be transferred, and that such person has during at least six months preceding the date of the certificate been in the classified service of the Department, customs district, or post-office from which the transfer is to be made: *Provided*, That no person who has been appointed from the copyist register shall be transferred to a place the salary of which is more than $900 per annum until one year after appointment.

DEPARTMENTAL RULE IX.

1. A person appointed from the copyist register may, upon any test of fitness determined upon by the promoting officer, be promoted as follows:

(*a*) At any time after probational appointment, to any place the salary of which is not more than $900 per annum.

(*b*) At any time after one year from the date of probational appointment, upon certification by the Commission that he has passed the clerk examination or its equivalent, to any place the salary of which is $1,000 per annum or more.

(*c*) At any time after two years from the date of probational appointment, to any place the salary of which is $1,000 per annum or more.

2. A person appointed from the clerk register or from any supplementary or special register to a place the salary of which is $1,000 per annum or more may, upon any test of fitness determined upon by the promoting officer, be promoted at any time after absolute appointment.

3. A person appointed from the clerk register or from any supplementary or special register to a place the salary of which is $900 or less may, upon any test of fitness determined upon by the promoting officer, be promoted at any time after probational appointment to any place the salary of which is $1,000 per annum.

4. Other promotions may be made upon any tests of fitness determined upon by the promoting officer.

5. The provisions of clauses 1, 2, 3, and 4 of this rule shall become null and void in any part of the classified departmental service as soon as promotion regulations shall have been applied thereto under General Rule III, clause 6.

DEPARTMENTAL RULE X.

Upon requisition of the head of a Department the Commission shall certify for reinstatement in said Department, in a grade requiring no higher examination than the one in which he was formerly employed, any person who within one year next preceding the date of the requisition has, through no delinquency or misconduct, been separated from the classified service of that Department.

DEPARTMENTAL RULE XI.

Each appointing officer in the classified departmental service shall report to the Commission—

(*a*) Every probational and every absolute appointment made by him, and every appointment made by him under any exception to examination authorized by Departmental Rule II, clause 3.

(*b*) Every refusal by him to make an absolute appointment and every refusal or neglect to accept an appointment in the classified service under him.

(*c*) Every transfer within and into the classified service under him.

(*d*) Every assignment of a person to the performance of the duties of a class or place to which such person was not appointed.

(*e*) Every separation from the classified service under him, and whether the separation was caused by dismissal, resignation, or death. Places excepted from examination are within the classified service.

(*f*) Every restoration to the classified service under him of any person who may have been separated therefrom by dismissal or resignation.

CUSTOMS RULES.

CUSTOMS RULE I.

1. The classified customs service shall include the officers, clerks, and other persons in the several customs districts classified under the provisions of section 6 of the act to regulate and improve the civil service of the United States, approved January 16, 1883.

2. Whenever the officers, clerks, and other persons in any customs district number as many as fifty, any existing classification of the customs service made by the Secretary of the Treasury under section 6 of the act of January 16, 1883, shall apply thereto, and thereafter the Commission shall provide examinations to test the fitness

of persons to fill vacancies in said customs district and these rules shall be in force therein. Every revision of the classification of any customs office under section 6 of the act above mentioned, and every inclusion within the classified customs service of a customs district, shall be reported to the President.

CUSTOMS RULE II.

1. To test fitness for admission to the classified customs service, examinations shall be provided as follows:

*Clerk examination.**—This examination shall not include more than the following subjects:

(*a*) Orthography.
(*b*) Copying.
(*c*) Penmanship.
(*d*) Arithmetic—fundamental rules, fractions, percentage, interest, and discount.
(*e*) Elements of bookkeeping and of accounts.
(*f*) Elements of the English language.
(*g*) Letter writing.
(*h*) Elements of the geography, history, and government of the United States.

Law-clerk examination.—This examination shall not include more than the following subjects:

(*a*) Orthography.
(*b*) Copying.
(*c*) Penmanship.
(*d*) Arithmetic—fundamental rules, fractions, percentage, interest, and discount.
(*e*) Elements of the English language.
(*f*) Letter writing.
(*g*) Law questions.

Day-inspector examination.—This examination shall not include more than the following subjects:

(*a*) Orthography.
(*b*) Copying.
(*c*) Penmanship.
(*d*) Arithmetic—fundamental rules, fractions, and percentage.
(*e*) Elements of the English language.
(*f*) Geography of America and Europe.

Inspectress examination.—This examination shall not include more than the following subjects:

(*a*) Orthography.
(*b*) Copying.
(*c*) Penmanship.
(*d*) Arithmetic—fundamental rules.
(*e*) Geography of America and Europe.

Night-inspector, messenger, assistant weigher, and opener and packer examination.—This examination shall not include more than the following subjects:

(*a*) Orthography.
(*b*) Copying.
(*c*) Penmanship.
(*d*) Arithmetic—fundamental rules.

Gauger examination.—This examination shall not include more than the following subjects:

(*a*) Orthography.
(*b*) Copying.
(*c*) Penmanship.
(*d*) Arithmetic—practical questions.
(*e*) Theoretical questions.
(*f*) Practical tests.

* Storekeepers shall be classed as clerks, and vacancies in that class shall be filled by assignment.

Examiner examination.—This examination shall not include more than the following subjects:

(*a*) Orthography.
(*b*) Copying.
(*c*) Penmanship.
(*d*) Arithmetic—fundamental rules, fractions, percentage, and discount.
(*e*) Elements of the English language.
(*f*) Practical questions.
(*g*) Practical tests.

Sampler examination.—This examination shall not include more than the following subjects:

(*a*) Orthography.
(*b*) Copying.
(*c*) Penmanship.
(*d*) Arithmetic—fundamental rules.
(*e*) Practical questions.
(*f*) Practical tests.

Other competitive examinations.—Such other competitive examinations as the Commission may from time to time determine to be necessary in testing fitness for other places in the classified customs service.

Noncompetitive examinations.—Such examinations may, with the approval of the Commission, be held under conditions stated in General Rule III, clause 2.

2. Any person not under 21 years of age may be examined for any place in the customs service to test fitness for which an examination is prescribed, and any person not under 20 years of age may be examined for clerk or messenger.

3. A person desiring examination for admission to the classified customs service must make request, in his own handwriting, for a blank form of application, which request and also his application shall be addressed as directed by the Commission.

4. The date of reception and also of approval by the board of each of such applications shall be noted on the application paper.

5. Exceptions from examination in the classified customs service are hereby made as follows:

(*a*) Deputy collectors, who do not also act as inspectors, examiners, or clerks.
(*b*) Cashier of the collector.
(*c*) Assistant cashier of the collector.
(*d*) Auditor of the collector.
(*e*) Chief acting disbursing officer.
(*f*) Deputy naval officers.
(*g*) Deputy surveyors.
(*h*) One private secretary or one confidential clerk of each nominating officer.

6. No person appointed to a place under any exception to examination hereby made shall within one year after appointment be transferred from such place to another place not also excepted from examination, but a person who has served not less than one year in an examination-excepted place may be transferred in the customs office in which he is serving to a place not excepted from examination: *Provided*, That before any such transfer may be made the Commission must certify that the person whom it is proposed to so transfer has passed an examination to test fitness for the place proposed to be filled by such transfer.

CUSTOMS RULE III.

1. The papers of every examination shall be marked under direction of the Commission, and each competitor shall be graded on a scale of 100, according to the general average determined by the marks made by the examiners on his papers.

2. The Commission shall appoint in each classified customs district a board of examiners, which shall—

(*a*) Conduct all examinations held to test fitness for admission to or promotion in the classified service of the customs district in which the board is located.

(*b*) Mark the papers of such examinations, unless otherwise directed, as provided for by General Rule III, clause 12.

(*c*) Conduct such examinations for the classified departmental service as the Commission may direct.

3. The papers of an examination having been marked, the board of examiners shall ascertain—

(*a*) The name of every competitor who has, under section 1754 of the Revised Statutes, claim of preference in civil appointments, and who has attained a general average of not less than 65 per cent; and all such competitors are hereby declared eligible to the class or place to test fitness for which the examination was held.

(*b*) The name of every other competitor who has attained a general average of not less than 70 per cent; and all such applicants are hereby declared eligible to the class or place to test fitness for which the examination was held.

4. The names of all preference-claiming competitors whose general average is not less than 65 per cent, together with the names of all other competitors whose general average is not less than 70 per cent, shall be entered upon the register of persons eligible to the class or place to test fitness for which the examination was held. The names of male and of female eligibles shall be listed separately.

5. The grade of each competitor shall be expressed by the whole number nearest the general average attained by him, and the grade of each eligible shall be noted upon the register of eligibles in connection with his name. When two or more eligibles are of the same grade, preference in certification shall be determined by the order in which their application papers were filed.

6. Immediately after the general averages in an examination shall have been ascertained each competitor shall be notified that he has passed or has failed to pass.

7. If a competitor fail to pass, he may, with the consent of the board, approved by the Commission, be allowed reexamination at any time within six months from the date of failure without filing a new application; but a competitor failing to pass, desiring to take again the same examination, must, if not allowed reexamination within six months from the date of failure, make in due form a new application therefor.

8. No person who has passed an examination shall while eligible on the register supplied by such examination be reexamined, unless he shall furnish evidence satisfactory to the Commission that at the time of his examination he was, because of illness or for other good cause, incapable of doing himself justice in said examination.

9. The term of eligibility to appointment in the classified customs service shall be one year from the day on which the name of the eligible is entered on the register.

CUSTOMS RULE IV.

1. Vacancies in the lowest class or grade of the classified service of a customs district shall be filled in the following manner:

(*a*) The nominating officer in any office in which a vacancy may exist shall, in form and manner to be prescribed by the Commission, request the board of examiners to certify to him the names of either males or females eligible to the vacant place.

(*b*) If fitness for the place to be filled is tested by competitive examination, the board of examiners shall certify the names of three males or three females, these names to be those of the eligibles who, standing higher in grade than any other three eligibles of the same sex on the register from which certification is to be made, have not been certified three times from said register: *Provided*, That if upon said register there are the names of eligibles who, under section 1754 of the Revised Statutes, have claim of preference in civil appointments, the names of such eligibles shall be certified before the names of other eligibles higher in grade. The Commission shall make regulations that will secure to each of such preference-claiming eligibles,

in the order of his grade among other preference claimants, an opportunity to have his claim of preference considered and determined by the appointing officer.

(*c*) Each name on a register of eligibles may be certified only three times: *Provided*, That when a name has been three times certified, if there are not three names on the register of higher grade, it may, upon the written request of a nominating officer to whom it has not been certified, be included in any certification made to said officer.

2. Of the three names certified the nominating officer must select one; and if at the time of making this selection there are more vacancies than one, he may select more than one name. Each person thus designated for appointment shall be notified, and upon reporting in person to the proper officer shall be appointed for a probational period of six months, at the end of which period, if his conduct and capacity be satisfactory to the nominating officer, he shall receive absolute appointment; but if his conduct and capacity be not satisfactory to said officer, he shall be notified that he will not receive absolute appointment, and this notification shall discharge him from the service.

3. Every nominating officer in the classified customs service shall require the officer under whom a probationer may be serving to carefully observe and report in writing the services rendered by and the character and qualifications of such probationer. These reports shall be preserved on file, and the Commission may prescribe the form and manner in which they shall be made.

4. All other vacancies, unless among the places excepted from examination, shall be filled by transfer or promotion.

CUSTOMS RULE V.

1. Until promotion regulations have been applied to a classified customs district, the following promotions may be made therein at any time after absolute appointment:

(*a*) A clerk, upon any test of fitness determined upon by the nominating officer, to any vacant place in the class next above the one in which he may be serving.

(*b*) A day inspector, upon any test of fitness determined upon by the nominating officer, to class 2 in the grade of clerk.

(*c*) A clerk, day inspector, opener and packer, or sampler, after passing the examiner examination, to the grade of examiner.

(*d*) A messenger, after passing the clerk examination, to the lowest class in the grade of clerk.

(*e*) A night inspector, after passing the day-inspector examination, to the grade of day inspector.

2. Other promotions may be made, in the discretion of the promoting officer, upon any test of fitness determined upon by him.

CUSTOMS RULE VI.

1. Transfers may be made as follows:

(*a*) From one office of a classified district to another office in the same district, subject to the provisions of Customs Rule V.

(*b*) From one classified district to another, upon requisition by the Secretary of the Treasury.

(*c*) From any bureau of the Treasury Department in which business relating to customs is transacted to any classified customs district, and from any such district to any such bureau, upon requisition by the Secretary of the Treasury.

2. No person may be transferred as herein authorized until the board of examiners, acting under (*a*) of clause 1, or until the Commission, acting under (*b*) or (*c*) of clause 1 of this rule, shall have certified to the officer making the transfer requisition that the person whom it is proposed to transfer has passed an examination to test fitness

for the place to which he is to be transferred, and that such person has been at least six months preceding the date of the certificate in the classified service of the Department or customs district from which the transfer is to be made.

CUSTOMS RULE VII.

Upon requisition of a nominating officer in any customs district the board of examiners thereof shall certify for reinstatement in any office under his jurisdiction, in a grade requiring no higher examination than the one in which he was formerly employed, any person who within one year next preceding the date of the requisition has, through no delinquency or misconduct, been separated from the classified service of said office.

CUSTOMS RULE VIII.

Each nominating officer of a classified customs district shall report to the board of examiners—

(*a*) Every probational and absolute appointment, and every appointment under any exception to examination authorized by Customs Rule II, clause 5, made within his jurisdiction.

(*b*) Every refusal by him to nominate a probationer for absolute appointment and every refusal or neglect to accept an appointment in the classified service under him.

(*c*) Every transfer into the classified service under him.

(*d*) Every separation from the classified service under him, and whether the separation was caused by dismissal, resignation, or death. Places excepted from examination are within the classified service.

(*e*) Every restoration to the classified service under him of any person who may have been separated therefrom by dismissal or resignation.

POSTAL RULES.

POSTAL RULE I.

1. The classified postal service shall include the officers, clerks, and other persons in the several post-offices classified under the provisions of section 6 of the act to regulate and improve the civil service of the United States, approved January 16, 1883.

2. Whenever the officers, clerks, and other persons in any post-office number as many as fifty, any existing classification of the postal service made by the Postmaster-General under section 6 of the act of January 16, 1883, shall apply thereto, and thereafter the Commission shall provide examinations to test the fitness of persons to fill vacancies in said post-office and these rules shall be in force therein. Every revision of the classification of any post-office under section 6 of the act above mentioned, and every inclusion of a post-office within the classified postal service, shall be reported to the President.

POSTAL RULE II.

1. To test fitness for admission to the classified postal service examinations shall be provided as follows:

Clerk examination.—This examination shall not include more than the following subjects:

(*a*) Orthography.

(*b*) Copying.

(*c*) Penmanship.

(*d*) Arithmetic—fundamental rules, fractions, and percentage.

(*e*) Elements of the English language.

(*f*) Letter writing.

(*g*) Elements of the geography, history, and government of the United States.

Carrier examination.—This examination shall not include more than the following subjects:

(*a*) Orthography.
(*b*) Copying.
(*c*) Penmanship.
(*d*) Arithmetic—fundamental rules.
(*e*) Elements of the geography of the United States.
(*f*) Knowledge of the locality of the post-office delivery.
(*g*) Physical tests.

Messenger examination.—This examination shall not include more than the following subjects:

(*a*) Orthography.
(*b*) Copying.
(*c*) Penmanship.
(*d*) Arithmetic—fundamental rules.
(*e*) Physical tests.

This examination shall also be used to test fitness for the position of piler, stamper, junior clerk, or other places the duties of which are chiefly manual.

Special examinations.—These examinations shall test fitness for positions requiring knowledge of a language other than the English language, or special or technical knowledge or skill. Each special examination shall include, in addition to the special subject upon which the applicant is to be tested, so many of the subjects of the clerk examination as the Commission may determine.

Noncompetitive examinations.—Such examinations may, with the approval of the Commission, be held under conditions stated in General Rule III, clause 2.

2. No person shall be examined for the position of clerk if under 18 years of age; and no person shall be examined for the position of messenger, stamper, or junior clerk if under 16 or over 45 years of age; and no person shall be examined for the position of carrier if under 21 or over 40 years of age. No person shall be examined for any other position in the classified postal service if under 18 or over 45 years of age.

3. Any person desiring examination for admission to the classified postal service must make request, in his own handwriting, for a blank form of application, which request, and also his application, shall be addressed as directed by the Commission.

4. The date of reception and also of approval by the board of each of such applications shall be noted on the application paper.

5. Exceptions from examinations in the classified postal service are hereby made as follows:

(*a*) Assistant postmaster.
(*b*) One private secretary or one confidential clerk of the postmaster.
(*c*) Cashier.
(*d*) Assistant cashier.
(*e*) Superintendents designated by the Post-Office Department and reported as such to the Commission.
(*f*) Custodians of money, stamps, stamped envelopes, or postal cards, designated as such by the Post-Office Department and so reported to the Commission, for whose fidelity the postmaster is under official bond.

6. No person appointed to a place under any exception to examination hereby made shall within one year after appointment be transferred to another place not also excepted from examination; but a person who has served not less than one year in an examination-excepted place may be transferred in the post-office in which he is serving to a place not excepted from examination: *Provided*, That before any such transfer may be made the Commission must certify that the person whom it is proposed to so transfer has passed an examination to test fitness for the place proposed to be filled by such transfer.

POSTAL RULE III.

1. The papers of every examination shall be marked under the direction of the Commission, and each competitor shall be graded on a scale of 100, according to the general average determined by the marks made by the examiners on his papers.

2. The Commission shall appoint in each classified post-office a board of examiners, which shall—

(*a*) Conduct all examinations held to test fitness for entrance to or promotion in the classified service of the post-office in which the board is located.

(*b*) Mark the papers of such examinations, unless otherwise directed, as provided for by General Rule III, clause 12.

(*c*) Conduct such examinations for the classified departmental service as the Commission may direct.

3. The papers of an examination having been marked, the board of examiners shall ascertain—

(*a*) The name of every competitor who has, under section 1754 of the Revised Statutes, claim of preference in civil appointments, and who has attained a general average of not less than 65 per cent; and all such competitors are hereby declared eligible to the class or place to test fitness for which the examination was held.

(*b*) The name of every other competitor who has attained a general average of not less than 70 per cent; and all such applicants are hereby declared eligible to the class or place to test fitness for which the examination was held.

4. The names of all preference-claiming competitors whose general average is not less than 65 per cent, together with the names of all other competitors whose general average is not less than 70 per cent, shall be entered upon the register of persons eligible to the class or place to test fitness for which the examination was held. The names of male and of female eligibles shall be listed separately.

5. The grade of each competitor shall be expressed by the whole number nearest the general average attained by him, and the grade of each eligible shall be noted upon the register of eligibles in connection with his name. When two or more eligibles are of the same grade, preference in certification shall be determined by the order in which their application papers were filed.

6. Immediately after the general averages shall have been ascertained each competitor shall be notified that he has passed or has failed to pass.

7. If a competitor fail to pass, he may, with the consent of the board, approved by the Commission, be allowed reexamination at any time within six months from the date of failure without filing a new application; but a competitor failing to pass, desiring to take again the same examination, must, if not allowed reexamination within six months from the date of failure, make in due form a new application therefor.

8. No person who has passed an examination shall while eligible on the register supplied by such examination be reexamined, unless he shall furnish evidence satisfactory to the Commission that at the time of his examination he was, because of illness or for other good cause, incapable of doing himself justice in said examination.

9. The term of eligibility to appointment in the classified postal service shall be one year from the day on which the name of the eligible is entered on the register.

POSTAL RULE IV.

1. Vacancies in the classified service of a post-office, unless among the places excepted from examination, if not filled by either transfer or promotion, shall be filled in the following manner:

(*a*) The postmaster at a post-office in which a vacancy may exist shall, in form and manner to be prescribed by the Commission, request the board of examiners to certify to him the names of either males or females eligible to the vacant place.

(*b*) If fitness for the place to be filled is tested by competitive examination, the board of examiners shall certify the names of three males or three females, these names to be those of the eligibles who, standing higher in grade than any other three eligibles of the same sex on the register from which certification is to be made, have not been certified three times from said register: *Provided*, That if upon said register there are the names of eligibles who, under section 1754 of the Revised Statutes, have claim of preference in civil appointments, the names of such eligibles shall be certified before the names of other eligibles higher in grade. The Commission shall make regulations that will secure to each of such preference-claiming eligibles, in the order of his grade among other preference claimants, opportunity to have his claim of preference considered and determined by the appointing officer.

(*c*) Each name on any register of eligibles may be certified only three times.

2. Of the three names certified to him the postmaster must select one; and if at the time of making this selection there are more vacancies than one, he may select more than one name. Each person thus designated for appointment shall be notified, and upon reporting in person to the postmaster shall be appointed for a probational period of six months, at the end of which period, if his conduct and capacity be satisfactory to the postmaster, he shall receive absolute appointment; but if his conduct and capacity be not satisfactory to said officer, he shall be notified that he will not receive absolute appointment, and this notification shall discharge him from the service.

3. The postmaster of each classified post-office shall require the superintendent of each division of his office to carefully observe and report in writing the services rendered by and the character and qualifications of each probationer serving under him. These reports shall be preserved on file, and the Commission may prescribe the form and manner in which they shall be made.

POSTAL RULE V.

Until promotion regulations shall have been applied to a classified post-office promotions therein may be made upon any test of fitness determined upon by the postmaster, if not disapproved by the Commission: *Provided*, That no employee shall be promoted to any grade he could not enter by appointment under the minimum age limitation applied thereto by Postal Rule II, clause 2.

POSTAL RULE VI.

1. Transfers may be made as follows:

(*a*) From one classified post-office to another, upon requisition of the Postmaster-General.

(*b*) From any classified post-office to the Post-Office Department, and from the Post-Office Department to any classified post-office, upon requisition of the Postmaster-General.

2. No person may be transferred as herein authorized until the Commission shall have certified to the officer making the transfer requisition that the person whom it is proposed to transfer has passed an examination to test fitness for the place to which he is to be transferred, and that such person has been at least six months next preceding the date of the certificate in the classified service of the Department or post-office from which the transfer is to be made.

POSTAL RULE VII.

Upon the requisition of a postmaster the board of examiners for his office shall certify for reinstatement, in a grade requiring no higher examination than the one in which he was formerly employed, any person who within one year next preceding the date of the requisition has through no delinquency or misconduct been separated from the classified service in said office.

POSTAL RULE VIII.

Each postmaster in the classified postal service shall report to the board of examiners—

(*a*) Every probational and every absolute appointment, and every appointment under any exception to examination authorized by Postal Rule II, clause 5, made in his office.

(*b*) Every refusal to make an absolute appointment in his office and every refusal or neglect to accept an appointment in the classified service under him.

(*c*) Every transfer into the classified service under him.

(*d*) Every separation from the classified service under him, and whether the separation was caused by dismissal, resignation, or death. Places excepted from examination are within the classified service.

(*e*) Every restoration to the classified service under him of any person who may have been separated therefrom by dismissal or resignation.

These rules shall take effect March 1, 1888.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., March 1, 1888.

In the exercise of authority vested in the President by the seventeen hundred and fifty-third section of the Revised Statutes to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof and ascertain the fitness of each applicant in respect to age, health, character, knowledge, and ability for the branch of the service into which he seeks to enter, I hereby direct that the officers, clerks, and other employees of the United States Civil Service Commission, now authorized or that may hereafter be authorized by law, shall be arranged in the following classes, viz:

Class A, including all persons receiving compensation at the rate of less than $1,000 per annum.

Class B, including all persons receiving compensation at the rate of $1,000 or more, but less than $1,200 per annum.

Class 1, including all persons receiving compensation at the rate of $1,200 or more, but less than $1,400 per annum.

Class 2, including all persons receiving compensation at the rate of $1,400 or more, but less than $1,600 per annum.

Class 3, including all persons receiving compensation at the rate of $1,600 or more, but less than $1,800 per annum.

Class 4, including all persons receiving compensation at the rate of $1,800 or more, but less than $2,000 per annum.

Class 5, including all persons receiving compensation at the rate of $2,000 or more per annum.

No person who is appointed to an office by the President by and with the advice and consent of the Senate, or by the President alone, and no person who is to be employed merely as a laborer or workman or as a watchman, shall be considered as within this classification.

And it is ordered, That the United States Civil Service Commission

thus classified, as provided by clause 2 of Departmental Rule I of the civil-service rules approved February 2, 1888, and in force on and after the date hereof, shall be considered a part of the classified departmental service, and the rules applicable thereto shall be in force therein.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 21, 1888.

To the United States Civil Service Commission.

GENTLEMEN: I desire to make a suggestion regarding subdivision (*c*), General Rule III, of the amended civil-service rules promulgated February 2, 1888. It provides for the promotion of an employee in a Department who is below or outside of the classified service to a place within said classified service in the same Department upon the request of the appointing officer, upon the recommendation of the Commission and the approval of the President, after a noncompetitive examination, in case such person has served continuously for two years in the place from which it is proposed to promote him, and "because of his faithfulness and efficiency in the position occupied by him," and "because of his qualifications for the place to which the appointing officer desires his promotion."

It has occurred to me that this provision must be executed with caution to avoid the application of it to cases not intended and the undue relaxation of the general purposes and restrictions of the civil-service law.

Noncompetitive examinations are the exceptions to the plan of the act, and the rules permitting the same should be strictly construed. The cases arising under the exception above recited should be very few, and when presented they should precisely meet all the requirements specified, and should be supported by facts which will develop the basis and reason of the application of the appointing officer and which will commend them to the judgment of the Commission and the President. The sole purpose of the provision is to benefit the public service, and it should never be permitted to operate as an evasion of the main feature of the law, which is competitive examinations.

As these cases will first be presented to the Commission for recommendation, I have to request that you will formulate a plan by which their merits can be tested. This will naturally involve a statement of all the facts deemed necessary for the determination of such applications, including the kind of work which has been done by the person proposed for promotion and the considerations upon which the allegations of the faithfulness, efficiency, and qualifications mentioned in the rule are predicated.

What has already been written naturally suggests another very important subject, to which I will invite your attention.

The desirability of the rule which I have commented upon would be nearly, if not entirely, removed, and other difficulties which now embarrass the execution of the civil-service law would be obviated, if there was a better and uniform classification of the employees in the different

Departments. The importance of this is entirely obvious. The present imperfect classifications, hastily made, apparently with but little care for uniformity, and promulgated after the last Presidential election and prior to the installation of the present Administration, should not have been permitted to continue to this time.

It appears that in the War Department the employees were divided on the 19th day of November, 1884, into eight classes and subclasses, embracing those earning annual salaries from $900 to $2,000.

The Navy Department was classified November 22, 1884, and its employees were divided into seven classes and subclasses, embracing those who received annual salaries from $720 to $1,800.

In the Interior Department the classification was made on the 6th day of December, 1884. It consists of eight classes and subclasses, and embraces employees receiving annual salaries from $720 to $2,000.

On the 2d day of January, 1885, a classification of the employees in the Treasury Department was made, consisting of six classes and subclasses, including those earning annual salaries from $900 to $1,800.

In the Post-Office Department the employees were classified on February 6, 1885, into nine classes and subclasses, embracing persons earning annual salaries from $720 to $2,000.

On the 12th of December, 1884, the Bureau of Agriculture was classified in a manner different from all the other Departments, and presenting features peculiar to itself.

It seems that the only classification in the Department of State and the Department of Justice is that provided for by section 163 of the Revised Statutes, which directs that the employees in the several Departments shall be divided into four classes. It appears that no more definite classification has been made in these Departments.

I wish the Commission would revise these classifications and submit to me a plan which will as far as possible make them uniform, and which will especially remedy the present condition which permits persons to enter a grade in the service in the one Department without any examination which in another Department can only be entered after passing such examination. This, I think, should be done by extending the limits of the classified service rather than by contracting them.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 23, 1888.*

To the People of the United States:

The painful duty devolves upon the President to announce the death, at an early hour this morning, at his residence in this city, of Morrison R. Waite, Chief Justice of the United States, which exalted office he had filled since March 4, 1874, with honor to himself and high usefulness to his country.

In testimony of respect to the memory of the honored dead it is ordered that the executive offices in Washington be closed on the day of the

funeral and be draped in mourning for thirty days, and that the national flag be displayed at half-mast on the public buildings and on all national vessels on the day of the funeral.

By the President:

T. F. BAYARD, *Secretary.*

EXECUTIVE MANSION,
Washington, May 26, 1888.

Under the provisions of section 4 of the act approved March 3, 1883, it is hereby ordered that the several Executive Departments, the Department of Agriculture, and the Government Printing Office be closed on Wednesday, the 30th instant, to enable the employees to participate in the decoration of the graves of the soldiers who fell during the rebellion.

GROVER CLEVELAND.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 2, 1888.

The PRESIDENT.

SIR: In the force employed in the office of the collector of customs at the port of New York there are eight tellers who receive and count the money paid in at that office, amounting to $500,000 a day or upward, and who should be persons qualified to handle money with skill and to detect counterfeit coin and bills. One of these places is now vacant, and it is important that it should be filled at the earliest practicable date. The position is not one excepted from examination by Customs Rule II, clause 5; but the collector thinks that it would be imprudent and impracticable for him to be restricted in filling the vacancy to the three names that might be certified to him from the eligible register, and in this opinion the Commission concurs. But whether this class of positions and certain others in the customs service should be filled by noncompetitive examination or by special exception is a matter which the Commission has under consideration, but can not determine until after a visit to New York and perhaps other ports. In view, however, of the necessity for immediately filling the present vacancy—but without establishing a precedent—the Commission has the honor to recommend that a noncompetitive examination for the purpose be authorized under subdivision (*e*), clause 2 of General Rule III, Civil-Service Rules.

Your obedient servants,

JNO. H. OBERLY,
CHAS. LYMAN,
United States Civil Service Commissioners.

Approved, June 5, 1888.

GROVER CLEVELAND.

CLASSIFIED POSTAL SERVICE, SPECIAL RULE NO. 1.

JUNE 16, 1888.

In addition to the exceptions from examination in the classified postal service made by Postal Rule II, clause 5, the following exception to examination in that service is hereby made:

Printers, employed as such.

Provided, That before any person may be employed under this exception to examination the Post-Office Department shall inform the Commission of the authority given to employ printers at any post-office and of the number authorized to be employed at such office.

GROVER CLEVELAND.

Ordered, That noncompetitive examinations to test fitness for the following designated places in the classified departmental service be, and are hereby, authorized:

1. In all the Departments: Engineers, assistant engineers, pressmen, and compositors.

2. In the Department of the Treasury:

In the office of the Secretary: Storekeeper, inspector of electric lights, foreman of laborers, captain of watch, lieutenants of watch, and locksmith and electrician.

In the office of the Treasurer: Seventeen clerks employed as expert money tellers.

In the office of the Supervising Surgeon-General of Marine-Hospital Service: Hospital steward, employed as chemist.

3. In the Department of the Interior:

In the office of the Secretary: Stenographer (to be confidential clerk to Secretary), members of the boards of pension appeals, returns-office clerk, and six clerks to act as assistant disbursing clerks.

In the Bureau of Pensions: Superintendent of buildings and two qualified surgeons.

In the Patent Office: Librarian, principal examiners, machinists, and model attendants.

In the office of the Commissioner of Railroads: One bookkeeper.

In the Bureau of Education: Clerk of class 4, as librarian.

In the Geological Survey: In permanent force—Librarian. In temporary force—Assistant paleontologists, assistant geologists, topographers, and assistant photographers.

4. In the Department of Agriculture:

In the disbursing office: Four clerks.

5. In the Post-Office Department:

In the office of the Assistant Attorney-General: Stenographer (to be confidential clerk to the Assistant Attorney-General).

Approved, July 2, 1888. GROVER CLEVELAND.

SPECIAL DEPARTMENTAL RULE NO. 1.

In addition to the exceptions from examination made by Departmental Rule III, clause 2, the following exceptions to examinations for the classified departmental service are hereby made, viz:

1. In the Department of State: Lithographer.

2. In the Department of the Treasury:

In the office of the Secretary: Government actuary.

In the office of the Comptroller of the Currency: Bond clerk.

In the office of the Supervising Architect: Supervising Architect, assistant supervising architect, confidential clerk to Supervising Architect, and photographer.

In the Bureau of the Mint: Assayer, examiner, computer of bullion, and adjuster of accounts.

In the Bureau of Navigation: Clerk of class 4, acting as deputy commissioner.

In the office of Construction of Standard Weights and Measures: Adjuster and mechanician.

In the Bureau of Engraving and Printing: Chief of the Bureau, assistant chief of Bureau, engravers, and plate printers.

In the Coast and Geodetic Survey: Superintendent, confidential clerk to Superin-

tendent, the normal or field force, general office assistant, confidential clerk to general office assistant, engravers and contract engravers, electrotypist and photographer, electrotypist's helper, apprentice to electrotypist and photographer, copperplate printers, plate-printers' helpers, and mechanicians.

In the office of the Commissioner of Internal Revenue: Superintendent of stamp vault.

3. In the Department of the Interior:

In the office of the Secretary: Superintendent of documents, clerk of class 3 as custodian, clerk to sign land patents, and telephone operator.

In the office of the Assistant Attorney-General: Law clerks—One at $2,750 per annum, one at $2,500 per annum, one at $2,250 per annum, and thirteen at $2,000 per annum.

In the Patent Office: Financial clerk, examiner of interferences, and law clerk.

In the General Land Office: Two law clerks, two law examiners, clerk of class 4 acting as receiving clerk, and ten principal examiners of land claims and contests.

In the Bureau of Pensions: Assistant chief clerk, medical referee, assistant medical referee, and law clerk.

In the Bureau of Indian Affairs: Principal bookkeeper.

In the office of Commissioner of Railroads: Railroad engineer.

In the Bureau of Education: Collector and compiler of statistics and statistician.

In the Geological Survey: In permanent force—General assistant, executive officer, photographer, twelve geologists, two paleontologists, two chemists, chief geographer, three topographers, and three geographers. In temporary force—Six paleontologists, eight geologists, geographer, mechanician, and editor.

4. In the Department of War: Clerk for the General of the Army and clerk for the retired General of the Army.

In the office of the Chief Signal Officer: Lithographer.

5. In the Department of the Navy:

In the Hydrographic Office: Engravers, copperplate printers, printers' apprentices.

6. In the Department of Justice: Pardon clerk and two law clerks.

7. In the Department of Agriculture:

In the office of the Commissioner: Private secretary to the chief clerk, superintendent of grounds, and assistant chief of each of the following divisions: Of botany, of chemistry, of entomology, of forestry, and of statistics.

In the Bureau of Animal Industry: Chief of the Bureau, assistant chief, private secretary to chief, and chief clerk.

8. In the Post-Office Department: Assistant Attorney-General, law clerk, and agents and employees at postal-note, postage-stamp, postal-card, and envelope agencies.

9. In the Department of Labor: Statistical experts and temporary experts.

Approved, July 2, 1888. GROVER CLEVELAND.

SPECIAL DEPARTMENTAL RULE NO. 2.

No substitute shall hereafter be employed in any Department; and the head of any Department in which substitutes are now employed may appoint any of such substitutes to take the place of his principal, or to any place of lower grade: *Provided*, That no substitute shall be appointed as herein authorized until he shall have passed an appropriate examination by the Civil Service Commission and his eligibility shall have been certified by said Commission to the head of the Department in which he is employed.

Approved, August 3, 1888. GROVER CLEVELAND.

EXECUTIVE MANSION, *August 9, 1888.*

The Heads of Departments:

As a mark of respect to the memory of General Sheridan, the President directs that the several Executive Departments in the city of Washington be closed and all public business at the national capital suspended on Saturday, August 11 instant, the day of the funeral.

By direction of the President:

DANIEL S. LAMONT,
Private Secretary.

SPECIAL CUSTOMS RULE NO. I.

In addition to exceptions from examination in the classified customs service made under Customs Rule II, clause 5, the following special exceptions are made:

In the Boston customs district, office of the naval officer: Assistant deputy naval officer.

Approved, August 10, 1888.

GROVER CLEVELAND.

WAR DEPARTMENT,
Washington City, August 14, 1888.

By direction of the President, Major-General John M. Schofield is assigned to the command of the Army of the United States.

WM. C. ENDICOTT,
Secretary of War.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., August 25, 1888.

The PRESIDENT.

SIR: The Commission respectfully submits for your consideration the following extract from the minutes of its proceedings of August 23, 1888:

"Navy Department, August 23. Harmony, Acting Secretary of the Navy, refers, with a request that the examination asked for therein be held at the earliest possible moment, a communication of the same date of G. S. Dyer, lieutenant, United States Navy, in charge of the Hydrographic Office, Navy Department, requesting that Francis A. Lewis, at New York City, and Joseph T. McMillan, of San Francisco, may be noncompetitively examined for the positions of assistants at the branch hydrographic offices at those places, respectively, under General Rule III, paragraph 2 (*e*), stating that the positions of assistants at those offices require men specially fitted by a technical nautical education, and therefore such as is only obtained in the Navy, and that the young men referred to are recent graduates of the Naval Academy and have been honorably discharged from the service.

"The positions named in this communication, and similar positions at other branch hydrographic offices, being regarded as in the classified departmental service in the Department of the Navy, and subject to examination, and in view of the qualifications

required in such positions and of the fact that the service is to be rendered at points remote from the city of Washington, it is deemed impracticable to fill these places by competitive examination. It is therefore ordered that they be included among the places to be filled by noncompetitive examination under the provision of General Rule III, clause 2 (*e*), and that the President be asked to approve this order."

The Commission respectfully requests that you indorse this communication with your approval of the action above quoted and return it as the authority of the Commission for including the places mentioned among the noncompetitive examination places under General Rule III, clause 2 (*e*).

Very respectfully,

A. P. EDGERTON,
JOHN H. OBERLY,
CHAS. LYMAN,
United States Civil Service Commissioners.

Approved:

GROVER CLEVELAND.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 17, 1888.

The PRESIDENT.

SIR: This Commission has been informed by the Treasury Department that an additional teller has been authorized to be appointed at the custom-house in the city of New York, and that his immediate employment is desired.

This position is not one excepted from examination by Customs Rule II, clause 5, but the collector thinks, in view of its fiduciary character, that it ought to be filled by noncompetitive instead of by competitive examination, and in this view the Commission concurs. It is therefore respectfully recommended that a noncompetitive examination for the purpose be authorized under subdivision (*e*) of clause 2 of General Rule III, Revised Civil-Service Rules.

I have the honor to be, sir, your obedient servant,

CHAS. LYMAN,
Commissioner, in Charge.

Approved, October 17, 1888.

GROVER CLEVELAND.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 31, 1888.

The PRESIDENT.

SIR: Approval of the following order for noncompetitive examinations under the provisions of General Rule III, section 2, clause (*e*), of Revised Civil-Service Rules, is respectfully recommended:

Ordered, That noncompetitive examinations to test fitness for the following-designated places in the classified customs service are hereby authorized:

1. In the customs district of New York, collector's office: The tellers employed in the cashier's office; three stenographers employed under the immediate supervision of the collector.

2. In the customs district of San Francisco: Chinese interpreter.

I have the honor to be, sir, your obedient servant,

CHAS. LYMAN,
Commissioner, in Charge.

Approved, November 1, 1888.

GROVER CLEVELAND.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 31, 1888.

The PRESIDENT.

SIR: Approval of the following order for noncompetitive examinations under the provisions of General Rule III, section 2, clause (*e*), of Revised Civil-Service Rules, is respectfully recommended:

Ordered, That noncompetitive examinations to test fitness for the following-designated places in the classified departmental service are hereby authorized:

1. In the Department of the Interior, Geological Survey, permanent force: Assistant photographers.

2. In the Department of Labor: Special agents.

I have the honor to be, sir, your obedient servant,

CHAS. LYMAN,
Commissioner, in Charge.

Approved, November 1, 1888. GROVER CLEVELAND.

Clause (*e*) of section 2 of General Rule III is amended by adding thereto the following, and as thus amended is hereby promulgated:

But no person appointed to such a place upon noncompetitive examination shall within one year after appointment be transferred or appointed to any place not excepted from examination; but after having served in such noncompetitive place not less than one year he may be transferred or appointed in the bureau or office in which he is serving to a place not excepted from examination upon the certificate of the Commission or the proper board of examiners that he has passed an examination to test fitness for the place to which his transfer or appointment is proposed.

Approved, November 1, 1888. GROVER CLEVELAND.

SPECIAL DEPARTMENTAL RULE NO. 1.

So much of Special Departmental Rule No. 1, approved July 2, 1888, as applies to the Department of Agriculture is hereby amended and promulgated as follows:

7. In the Department of Agriculture:

In the office of the Commissioner: Private secretary to the chief clerk, superintendent of grounds, and assistant chief of each of the following divisions: Of botany, of chemistry, of entomology, of forestry, and of statistics, and the director of experiment stations and the assistant director.

In the Bureau of Animal Industry: Chief of the Bureau, assistant chief, private secretary to the chief, and chief clerk.

Approved, November 1, 1888. GROVER CLEVELAND.

SPECIAL CUSTOMS RULE NO. 1.

Special Customs Rule No. 1, specially excepting from examination certain places in the customs service, is hereby amended by including among those places the following:

At the port of New York, office of the collector: Bookbinder.

EXECUTIVE MANSION,
Washington, November 1, 1888.

The foregoing amendment is hereby approved.

GROVER CLEVELAND.

Departmental Rule VII is hereby amended by inserting at the end of the first sentence of section 1 the following:

Provided, That no certification shall be made from the clerk or any supplementary register to any Department to which promotion regulations have been applied under General Rule III, section 6, to fill a vacancy above the grade of class 1.

So that as amended the first paragraph of section 1 will read:

1. Vacancies in the classified departmental service, unless among the places excepted from examination, if not filled by either promotion or transfer, shall be filled in the following manner: *Provided*, That no certification shall be made from the clerk or any supplementary register to any Department to which promotion regulations have been applied under General Rule III, section 6, to fill a vacancy above the grade of class 1.

Approved and promulgated.

EXECUTIVE MANSION, *November 1, 1888.*

The foregoing amendment is hereby approved.

GROVER CLEVELAND.

The following amendments to departmental rules are hereby made and promulgated:

To Departmental Rule IV: After the word "service," in section 1 of said rule, insert the following:

Provided, That any person may apply for the position of printer's assistant in the Bureau of Engraving and Printing who is not under 18 nor over 35 years of age.

And after the word "for," in the same section, strike out the words "which purpose" and insert in lieu thereof the words "such application," so that as amended section 1 will read:

1. Any person not under 20 years of age may make application for admission to the classified departmental service: *Provided*, That any person may apply for the position of printer's assistant in the Bureau of Engraving and Printing who is not under 18 nor over 35 years of age; and blank forms for such application shall be furnished by the Commission.

To Departmental Rule VI: After the word "examination," where it first occurs in section 5 of said rule, insert the words "or an examination for printer's assistant in the Bureau of Engraving and Printing." After the word "which" strike out the words "supplementary or special," where they last occur in said section, and insert in lieu thereof "the," so that as amended section 5 will read:

5. But the names of all competitors who have passed a supplementary or a special examination, or an examination for printer's assistant in the Bureau of Engraving

and Printing, shall be entered, without regard to State residence, upon the register of persons eligible to the class or place to test fitness for which the examination was held.

To Departmental Rule VII: After the word "or," in the second paragraph of section 3 of said rule, strike out the article "a," and after the word "register" in said paragraph insert the words "or the printer's-assistant register," so that as amended said second paragraph of section 3 will read:

When certification is made from a supplementary or special register, or the printer's-assistant register, and there are more vacancies than one to be filled, the appointing officer may select from the three names certified more than one.

EXECUTIVE MANSION,
Washington, November 5, 1888.

The foregoing amendments are hereby approved.

GROVER CLEVELAND.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 31, 1888.

The PRESIDENT.

SIR: The order heretofore approved by you authorizing noncompetitive examinations under General Rule III, section 2, clause (*e*), to test fitness for certain designated places in the classified departmental service, included among such places the following:

In the office of the Treasurer of the United States, seventeen clerks employed as expert money tellers.

The attempts thus far made to make appointments to these places under this order have fully satisfied the Commission and the Treasury Department of the impracticability of this method of procedure, not because of any difficulty of applying suitable tests to determine the expertness required, but because there are really no experts to be tested. The duties of these positions can not be learned elsewhere than in the positions themselves, and therefore the only experts are those now occupying them and the very few who have left them for one cause or another, but who are not seeking to return. Therefore, since experts are not available, and persons will have to be appointed who must learn the duties of the positions in the actual performance of those duties, there would seem to be no good reason why such persons should not be selected from the eligible registers of this Commission, which are at all times abundantly supplied with the names of persons who are both competent and worthy. And besides, so long as these tempting places are in the noncompetitive list, the Department will be subjected to solicitation and pressure concerning them which it would rather avoid.

In view of these considerations it is respectfully recommended that you approve the revocation of so much of the order above referred to as provides for the appointment upon noncompetitive examination of seventeen clerks in the office of the Treasurer of the United States employed as expert money tellers.

I have the honor to be, sir, your obedient servant,

CHAS. LYMAN,
Commissioner, in Charge.

Approved, November 13, 1888.

GROVER CLEVELAND.

FOURTH ANNUAL MESSAGE.

WASHINGTON, *December 3, 1888.*

To the Congress of the United States:

As you assemble for the discharge of the duties you have assumed as the representatives of a free and generous people, your meeting is marked by an interesting and impressive incident. With the expiration of the present session of the Congress the first century of our constitutional existence as a nation will be completed.

Our survival for one hundred years is not sufficient to assure us that we no longer have dangers to fear in the maintenance, with all its promised blessings, of a government founded upon the freedom of the people. The time rather admonishes us to soberly inquire whether in the past we have always closely kept in the course of safety, and whether we have before us a way plain and clear which leads to happiness and perpetuity.

When the experiment of our Government was undertaken, the chart adopted for our guidance was the Constitution. Departure from the lines there laid down is failure. It is only by a strict adherence to the direction they indicate and by restraint within the limitations they fix that we can furnish proof to the world of the fitness of the American people for self-government.

The equal and exact justice of which we boast as the underlying principle of our institutions should not be confined to the relations of our citizens to each other. The Government itself is under bond to the American people that in the exercise of its functions and powers it will deal with the body of our citizens in a manner scrupulously honest and fair and absolutely just. It has agreed that American citizenship shall be the only credential necessary to justify the claim of equality before the law, and that no condition in life shall give rise to discrimination in the treatment of the people by their Government.

The citizen of our Republic in its early days rigidly insisted upon full compliance with the letter of this bond, and saw stretching out before him a clear field for individual endeavor. His tribute to the support of his Government was measured by the cost of its economical maintenance, and he was secure in the enjoyment of the remaining recompense of his steady and contented toil. In those days the frugality of the people was stamped upon their Government, and was enforced by the free, thoughtful, and intelligent suffrage of the citizen. Combinations, monopolies, and aggregations of capital were either avoided or sternly regulated and restrained. The pomp and glitter of governments less free offered no temptation and presented no delusion to the plain people who, side by side, in friendly competition, wrought for the ennoblement and dignity of man, for the solution of the problem of free government, and

for the achievement of the grand destiny awaiting the land which God had given them.

A century has passed. Our cities are the abiding places of wealth and luxury; our manufactories yield fortunes never dreamed of by the fathers of the Republic; our business men are madly striving in the race for riches, and immense aggregations of capital outrun the imagination in the magnitude of their undertakings.

We view with pride and satisfaction this bright picture of our country's growth and prosperity, while only a closer scrutiny develops a somber shading. Upon more careful inspection we find the wealth and luxury of our cities mingled with poverty and wretchedness and unremunerative toil. A crowded and constantly increasing urban population suggests the impoverishment of rural sections and discontent with agricultural pursuits. The farmer's son, not satisfied with his father's simple and laborious life, joins the eager chase for easily acquired wealth.

We discover that the fortunes realized by our manufacturers are no longer solely the reward of sturdy industry and enlightened foresight, but that they result from the discriminating favor of the Government and are largely built upon undue exactions from the masses of our people. The gulf between employers and the employed is constantly widening, and classes are rapidly forming, one comprising the very rich and powerful, while in another are found the toiling poor.

As we view the achievements of aggregated capital, we discover the existence of trusts, combinations, and monopolies, while the citizen is struggling far in the rear or is trampled to death beneath an iron heel. Corporations, which should be the carefully restrained creatures of the law and the servants of the people, are fast becoming the people's masters.

Still congratulating ourselves upon the wealth and prosperity of our country and complacently contemplating every incident of change inseparable from these conditions, it is our duty as patriotic citizens to inquire at the present stage of our progress how the bond of the Government made with the people has been kept and performed.

Instead of limiting the tribute drawn from our citizens to the necessities of its economical administration, the Government persists in exacting from the substance of the people millions which, unapplied and useless, lie dormant in its Treasury. This flagrant injustice and this breach of faith and obligation add to extortion the danger attending the diversion of the currency of the country from the legitimate channels of business.

Under the same laws by which these results are produced the Government permits many millions more to be added to the cost of the living of our people and to be taken from our consumers, which unreasonably swell the profits of a small but powerful minority.

The people must still be taxed for the support of the Government under the operation of tariff laws. But to the extent that the mass of our citizens are inordinately burdened beyond any useful public purpose

and for the benefit of a favored few, the Government, under pretext of an exercise of its taxing power, enters gratuitously into partnership with these favorites, to their advantage and to the injury of a vast majority of our people.

This is not equality before the law.

The existing situation is injurious to the health of our entire body politic. It stifles in those for whose benefit it is permitted all patriotic love of country, and substitutes in its place selfish greed and grasping avarice. Devotion to American citizenship for its own sake and for what it should accomplish as a motive to our nation's advancement and the happiness of all our people is displaced by the assumption that the Government, instead of being the embodiment of equality, is but an instrumentality through which especial and individual advantages are to be gained.

The arrogance of this assumption is unconcealed. It appears in the sordid disregard of all but personal interests, in the refusal to abate for the benefit of others one iota of selfish advantage, and in combinations to perpetuate such advantages through efforts to control legislation and improperly influence the suffrages of the people.

The grievances of those not included within the circle of these beneficiaries, when fully realized, will surely arouse irritation and discontent. Our farmers, long suffering and patient, struggling in the race of life with the hardest and most unremitting toil, will not fail to see, in spite of misrepresentations and misleading fallacies, that they are obliged to accept such prices for their products as are fixed in foreign markets where they compete with the farmers of the world; that their lands are declining in value while their debts increase, and that without compensating favor they are forced by the action of the Government to pay for the benefit of others such enhanced prices for the things they need that the scanty returns of their labor fail to furnish their support or leave no margin for accumulation.

Our workingmen, enfranchised from all delusions and no longer frightened by the cry that their wages are endangered by a just revision of our tariff laws, will reasonably demand through such revision steadier employment, cheaper means of living in their homes, freedom for themselves and their children from the doom of perpetual servitude, and an open door to their advancement beyond the limits of a laboring class. Others of our citizens, whose comforts and expenditures are measured by moderate salaries and fixed incomes, will insist upon the fairness and justice of cheapening the cost of necessaries for themselves and their families.

When to the selfishness of the beneficiaries of unjust discrimination under our laws there shall be added the discontent of those who suffer from such discrimination, we will realize the fact that the beneficent purposes of our Government, dependent upon the patriotism and contentment of our people, are endangered.

Communism is a hateful thing and a menace to peace and organized government; but the communism of combined wealth and capital, the outgrowth of overweening cupidity and selfishness, which insidiously undermines the justice and integrity of free institutions, is not less dangerous than the communism of oppressed poverty and toil, which, exasperated by injustice and discontent, attacks with wild disorder the citadel of rule.

He mocks the people who proposes that the Government shall protect the rich and that they in turn will care for the laboring poor. Any intermediary between the people and their Government or the least delegation of the care and protection the Government owes to the humblest citizen in the land makes the boast of free institutions a glittering delusion and the pretended boon of American citizenship a shameless imposition.

A just and sensible revision of our tariff laws should be made for the relief of those of our countrymen who suffer under present conditions. Such a revision should receive the support of all who love that justice and equality due to American citizenship; of all who realize that in this justice and equality our Government finds its strength and its power to protect the citizen and his property; of all who believe that the contented competence and comfort of many accord better with the spirit of our institutions than colossal fortunes unfairly gathered in the hands of a few; of all who appreciate that the forbearance and fraternity among our people, which recognize the value of every American interest, are the surest guaranty of our national progress, and of all who desire to see the products of American skill and ingenuity in every market of the world, with a resulting restoration of American commerce.

The necessity of the reduction of our revenues is so apparent as to be generally conceded, but the means by which this end shall be accomplished and the sum of direct benefit which shall result to our citizens present a controversy of the utmost importance. There should be no scheme accepted as satisfactory by which the burdens of the people are only apparently removed. Extravagant appropriations of public money, with all their demoralizing consequences, should not be tolerated, either as a means of relieving the Treasury of its present surplus or as furnishing pretext for resisting a proper reduction in tariff rates. Existing evils and injustice should be honestly recognized, boldly met, and effectively remedied. There should be no cessation of the struggle until a plan is perfected, fair and conservative toward existing industries, but which will reduce the cost to consumers of the necessaries of life, while it provides for our manufacturers the advantage of freer raw materials and permits no injury to the interests of American labor.

The cause for which the battle is waged is comprised within lines clearly and distinctly defined. It should never be compromised. It is the people's cause.

It can not be denied that the selfish and private interests which are so

persistently heard when efforts are made to deal in a just and comprehensive manner with our tariff laws are related to, if they are not responsible for, the sentiment largely prevailing among the people that the General Government is the fountain of individual and private aid; that it may be expected to relieve with paternal care the distress of citizens and communities, and that from the fullness of its Treasury it should, upon the slightest possible pretext of promoting the general good, apply public funds to the benefit of localities and individuals. Nor can it be denied that there is a growing assumption that, as against the Government and in favor of private claims and interests, the usual rules and limitations of business principles and just dealing should be waived.

These ideas have been unhappily much encouraged by legislative acquiescence. Relief from contracts made with the Government is too easily accorded in favor of the citizen; the failure to support claims against the Government by proof is often supplied by no better consideration than the wealth of the Government and the poverty of the claimant; gratuities in the form of pensions are granted upon no other real ground than the needy condition of the applicant, or for reasons less valid; and large sums are expended for public buildings and other improvements upon representations scarcely claimed to be related to public needs and necessities.

The extent to which the consideration of such matters subordinate and postpone action upon subjects of great public importance, but involving no special private or partisan interest, should arrest attention and lead to reformation.

A few of the numerous illustrations of this condition may be stated.

The crowded condition of the calendar of the Supreme Court, and the delay to suitors and denial of justice resulting therefrom, has been strongly urged upon the attention of the Congress, with a plan for the relief of the situation approved by those well able to judge of its merits. While this subject remains without effective consideration, many laws have been passed providing for the holding of terms of inferior courts at places to suit the convenience of localities, or to lay the foundation of an application for the erection of a new public building.

Repeated recommendations have been submitted for the amendment and change of the laws relating to our public lands so that their spoliation and diversion to other uses than as homes for honest settlers might be prevented. While a measure to meet this conceded necessity of reform remains awaiting the action of the Congress, many claims to the public lands and applications for their donation, in favor of States and individuals, have been allowed.

A plan in aid of Indian management, recommended by those well informed as containing valuable features in furtherance of the solution of the Indian problem, has thus far failed of legislative sanction, while grants of doubtful expediency to railroad corporations, permitting them to pass through Indian reservations, have greatly multiplied.

The propriety and necessity of the erection of one or more prisons for the confinement of United States convicts, and a post-office building in the national capital, are not disputed. But these needs yet remain unanswered, while scores of public buildings have been erected where their necessity for public purposes is not apparent.

A revision of our pension laws could easily be made which would rest upon just principles and provide for every worthy applicant. But while our general pension laws remain confused and imperfect, hundreds of private pension laws are annually passed, which are the sources of unjust discrimination and popular demoralization.

Appropriation bills for the support of the Government are defaced by items and provisions to meet private ends, and it is freely asserted by responsible and experienced parties that a bill appropriating money for public internal improvement would fail to meet with favor unless it contained items more for local and private advantage than for public benefit.

These statements can be much emphasized by an ascertainment of the proportion of Federal legislation which either bears upon its face its private character or which upon examination develops such a motive power.

And yet the people wait and expect from their chosen representatives such patriotic action as will advance the welfare of the entire country; and this expectation can only be answered by the performance of public duty with unselfish purpose. Our mission among the nations of the earth and our success in accomplishing the work God has given the American people to do require of those intrusted with the making and execution of our laws perfect devotion, above all other things, to the public good.

This devotion will lead us to strongly resist all impatience of constitutional limitations of Federal power and to persistently check the increasing tendency to extend the scope of Federal legislation into the domain of State and local jurisdiction upon the plea of subserving the public welfare. The preservation of the partitions between proper subjects of Federal and local care and regulation is of such importance under the Constitution, which is the law of our very existence, that no consideration of expediency or sentiment should tempt us to enter upon doubtful ground. We have undertaken to discover and proclaim the richest blessings of a free government, with the Constitution as our guide. Let us follow the way it points out; it will not mislead us. And surely no one who has taken upon himself the solemn obligation to support and preserve the Constitution can find justification or solace for disloyalty in the excuse that he wandered and disobeyed in search of a better way to reach the public welfare than the Constitution offers.

What has been said is deemed not inappropriate at a time when, from a century's height, we view the way already trod by the American people and attempt to discover their future path.

The seventh President of the United States—the soldier and statesman

and at all times the firm and brave friend of the people—in vindication of his course as the protector of popular rights and the champion of true American citizenship, declared:

> The ambition which leads me on is an anxious desire and a fixed determination to restore to the people unimpaired the sacred trust they have confided to my charge; to heal the wounds of the Constitution and to preserve it from further violation; to persuade my countrymen, so far as I may, that it is not in a splendid government supported by powerful monopolies and aristocratical establishments that they will find happiness or their liberties protection, but in a plain system, void of pomp, protecting all and granting favors to none, dispensing its blessings like the dews of heaven, unseen and unfelt save in the freshness and beauty they contribute to produce. It is such a government that the genius of our people requires—such an one only under which our States may remain for ages to come united, prosperous, and free.

In pursuance of a constitutional provision requiring the President from time to time to give to the Congress information of the state of the Union, I have the satisfaction to announce that the close of the year finds the United States in the enjoyment of domestic tranquillity and at peace with all the nations.

Since my last annual message our foreign relations have been strengthened and improved by performance of international good offices and by new and renewed treaties of amity, commerce, and reciprocal extradition of criminals.

Those international questions which still await settlement are all reasonably within the domain of amicable negotiation, and there is no existing subject of dispute between the United States and any foreign power that is not susceptible of satisfactory adjustment by frank diplomatic treatment.

The questions between Great Britain and the United States relating to the rights of American fishermen, under treaty and international comity, in the territorial waters of Canada and Newfoundland, I regret to say, are not yet satisfactorily adjusted.

These matters were fully treated in my message to the Senate of February 20, 1888,* together with which a convention, concluded under my authority with Her Majesty's Government on the 15th of February last, for the removal of all causes of misunderstanding, was submitted by me for the approval of the Senate.

This treaty having been rejected by the Senate, I transmitted a message to the Congress on the 23d of August last† reviewing the transactions and submitting for consideration certain recommendations for legislation concerning the important questions involved.

Afterwards, on the 12th of September,‡ in response to a resolution of the Senate, I again communicated fully all the information in my possession as to the action of the government of Canada affecting the commercial relations between the Dominion and the United States, including

*See pp. 5188–5192. †See pp. 5205–5212. ‡See pp. 5213–5215.

the treatment of American fishing vessels in the ports and waters of British North America.

These communications have all been published, and therefore opened to the knowledge of both Houses of Congress, although two were addressed to the Senate alone.

Comment upon or repetition of their contents would be superfluous, and I am not aware that anything has since occurred which should be added to the facts therein stated. Therefore I merely repeat, as applicable to the present time, the statement which will be found in my message to the Senate of September 12 last, that—

> Since March 3, 1887, no case has been reported to the Department of State wherein complaint was made of unfriendly or unlawful treatment of American fishing vessels on the part of the Canadian authorities in which reparation was not promptly and satisfactorily obtained by the United States consul-general at Halifax.

Having essayed in the discharge of my duty to procure by negotiation the settlement of a long-standing cause of dispute and to remove a constant menace to the good relations of the two countries, and continuing to be of opinion that the treaty of February last, which failed to receive the approval of the Senate, did supply "a satisfactory, practical, and final adjustment, upon a basis honorable and just to both parties, of the difficult and vexed question to which it related," and having subsequently and unavailingly recommended other legislation to Congress which I hoped would suffice to meet the exigency created by the rejection of the treaty, I now again invoke the earnest and immediate attention of the Congress to the condition of this important question as it now stands before them and the country, and for the settlement of which I am deeply solicitous.

Near the close of the month of October last occurrences of a deeply regrettable nature were brought to my knowledge, which made it my painful but imperative duty to obtain with as little delay as possible a new personal channel of diplomatic intercourse in this country with the Government of Great Britain.

The correspondence in relation to this incident will in due course be laid before you, and will disclose the unpardonable conduct of the official referred to in his interference by advice and counsel with the suffrages of American citizens in the very crisis of the Presidential election then near at hand, and also in his subsequent public declarations to justify his action, superadding impugnment of the Executive and Senate of the United States in connection with important questions now pending in controversy between the two Governments.

The offense thus committed was most grave, involving disastrous possibilities to the good relations of the United States and Great Britain, constituting a gross breach of diplomatic privilege and an invasion of the purely domestic affairs and essential sovereignty of the Government to which the envoy was accredited.

Having first fulfilled the just demands of international comity by affording full opportunity for Her Majesty's Government to act in relief of the situation, I considered prolongation of discussion to be unwarranted, and thereupon declined to further recognize the diplomatic character of the person whose continuance in such function would destroy that mutual confidence which is essential to the good understanding of the two Governments and was inconsistent with the welfare and self-respect of the Government of the United States.

The usual interchange of communication has since continued through Her Majesty's legation in this city.

My endeavors to establish by international cooperation measures for the prevention of the extermination of fur seals in Bering Sea have not been relaxed, and I have hopes of being enabled shortly to submit an effective and satisfactory conventional projet with the maritime powers for the approval of the Senate.

The coastal boundary between our Alaskan possessions and British Columbia, I regret to say, has not received the attention demanded by its importance, and which on several occasions heretofore I have had the honor to recommend to the Congress.

The admitted impracticability, if not impossibility, of making an accurate and precise survey and demarcation of the boundary line as it is recited in the treaty with Russia under which Alaska was ceded to the United States renders it absolutely requisite for the prevention of international jurisdictional complications that adequate appropriation for a reconnoissance and survey to obtain proper knowledge of the locality and the geographical features of the boundary should be authorized by Congress with as little delay as possible.

Knowledge to be only thus obtained is an essential prerequisite for negotiation for ascertaining a common boundary, or as preliminary to any other mode of settlement.

It is much to be desired that some agreement should be reached with Her Majesty's Government by which the damages to life and property on the Great Lakes may be alleviated by removing or humanely regulating the obstacles to reciprocal assistance to wrecked or stranded vessels.

The act of June 19, 1878, which offers to Canadian vessels free access to our inland waters in aid of wrecked or disabled vessels, has not yet become effective through concurrent action by Canada.

The due protection of our citizens of French origin or descent from claim of military service in the event of their returning to or visiting France has called forth correspondence which was laid before you at the last session.

In the absence of conventional agreement as to naturalization, which is greatly to be desired, this Government sees no occasion to recede from the sound position it has maintained not only with regard to France, but

as to all countries with which the United States have not concluded special treaties.

Twice within the last year has the imperial household of Germany been visited by death; and I have hastened to express the sorrow of this people, and their appreciation of the lofty character of the late aged Emperor William, and their sympathy with the heroism under suffering of his son the late Emperor Frederick.

I renew my recommendation of two years ago for the passage of a bill for the refunding to certain German steamship lines of the interest upon tonnage dues illegally exacted.

On the 12th [2d] of April last* I laid before the House of Representatives full information respecting our interests in Samoa; and in the subsequent correspondence on the same subject, which will be laid before you in due course, the history of events in those islands will be found.

In a message accompanying my approval, on the 1st day of October last, of a bill for the exclusion of Chinese laborers, I laid before Congress full information and all correspondence touching the negotiation of the treaty with China concluded at this capital on the 12th day of March, 1888, and which, having been confirmed by the Senate with certain amendments, was rejected by the Chinese Government. This message contained a recommendation that a sum of money be appropriated as compensation to Chinese subjects who had suffered injuries at the hands of lawless men within our jurisdiction. Such appropriation having been duly made, the fund awaits reception by the Chinese Government.

It is sincerely hoped that by the cessation of the influx of this class of Chinese subjects, in accordance with the expressed wish of both Governments, a cause of unkind feeling has been permanently removed.

On the 9th of August, 1887, notification was given by the Japanese minister at this capital of the adjournment of the conference for the revision of the treaties of Japan with foreign powers, owing to the objection of his Government to the provision in the draft jurisdictional convention which required the submission of the criminal code of the Empire to the powers in advance of its becoming operative. This notification was, however, accompanied with an assurance of Japan's intention to continue the work of revision.

Notwithstanding this temporary interruption of negotiations, it is hoped that improvements may soon be secured in the jurisdictional system as respects foreigners in Japan, and relief afforded to that country from the present undue and oppressive foreign control in matters of commerce.

I earnestly recommend that relief be provided for the injuries accidentally caused to Japanese subjects in the island Ikisima by the target practice of one of our vessels.

A diplomatic mission from Korea has been received, and the formal intercourse between the two countries contemplated by the treaty of 1882 is now established.

*See p. 5197

Legislative provision is hereby recommended to organize and equip consular courts in Korea.

Persia has established diplomatic representation at this capital, and has evinced very great interest in the enterprise and achievements of our citizens. I am therefore hopeful that beneficial commercial relations between the two countries may be brought about.

I announce with sincere regret that Hayti has again become the theater of insurrection, disorder, and bloodshed. The titular government of President Saloman has been forcibly overthrown and he driven out of the country to France, where he has since died.

The tenure of power has been so unstable amid the war of factions that has ensued since the expulsion of President Saloman that no government constituted by the will of the Haytian people has been recognized as administering responsibly the affairs of that country. Our representative has been instructed to abstain from interference between the warring factions, and a vessel of our Navy has been sent to Haytian waters to sustain our minister and for the protection of the persons and property of American citizens.

Due precautions have been taken to enforce our neutrality laws and prevent our territory from becoming the base of military supplies for either of the warring factions.

Under color of a blockade, of which no reasonable notice had been given, and which does not appear to have been efficiently maintained, a seizure of vessels under the American flag has been reported, and in consequence measures to prevent and redress any molestation of our innocent merchantmen have been adopted.

Proclamation was duly made on the 9th day of November, 1887, of the conventional extensions of the treaty of June 3, 1875, with Hawaii, under which relations of such special and beneficent intercourse have been created.

In the vast field of Oriental commerce now unfolded from our Pacific borders no feature presents stronger recommendations for Congressional action than the establishment of communication by submarine telegraph with Honolulu.

The geographical position of the Hawaiian group in relation to our Pacific States creates a natural interdependency and mutuality of interest which our present treaties were intended to foster, and which make close communication a logical and commercial necessity.

The wisdom of concluding a treaty of commercial reciprocity with Mexico has been heretofore stated in my messages to Congress, and the lapse of time and growth of commerce with that close neighbor and sister Republic confirm the judgment so expressed.

The precise relocation of our boundary line is needful, and adequate appropriation is now recommended.

It is with sincere satisfaction that I am enabled to advert to the spirit of good neighborhood and friendly cooperation and conciliation that has marked the correspondence and action of the Mexican authorities in

their share of the task of maintaining law and order about the line of our common boundary.

The long-pending boundary dispute between Costa Rica and Nicaragua was referred to my arbitration, and by an award made on the 22d of March last the question has been finally settled to the expressed satisfaction of both of the parties in interest.

The Empire of Brazil, in abolishing the last vestige of slavery among Christian nations, called forth the earnest congratulations of this Government in expression of the cordial sympathies of our people.

The claims of nearly all other countries against Chile growing out of her late war with Bolivia and Peru have been disposed of, either by arbitration or by a lump settlement. Similar claims of our citizens will continue to be urged upon the Chilean Government, and it is hoped will not be subject to further delays.

A comprehensive treaty of amity and commerce with Peru was proclaimed on November 7 last, and it is expected that under its operation mutual prosperity and good understanding will be promoted.

In pursuance of the policy of arbitration, a treaty to settle the claim of Santos, an American citizen, against Ecuador has been concluded under my authority, and will be duly submitted for the approval of the Senate.

Like disposition of the claim of Carlos Butterfield against Denmark and of Van Bokkelen against Hayti will probably be made, and I trust the principle of such settlements may be extended in practice under the approval of the Senate.

Through unforeseen causes, foreign to the will of both Governments, the ratification of the convention of December 5, 1885, with Venezuela, for the rehearing of claims of citizens of the United States under the treaty of 1866, failed of exchange within the term provided, and a supplementary convention, further extending the time for exchange of ratifications and explanatory of an ambiguous provision of the prior convention, now awaits the advice and consent of the Senate.

Although this matter, in the stage referred to, concerns only the concurrent treaty-making power of one branch of Congress, I advert to it in view of the interest repeatedly and conspicuously shown by you in your legislative capacity in favor of a speedy and equitable adjustment of the questions growing out of the discredited judgments of the previous mixed commission of Caracas. With every desire to do justice to the representations of Venezuela in this regard, the time seems to have come to end this matter, and I trust the prompt confirmation by both parties of the supplementary action referred to will avert the need of legislative or other action to prevent the longer withholding of such rights of actual claimants as may be shown to exist.

As authorized by the Congress, preliminary steps have been taken for the assemblage at this capital during the coming year of the representatives of South and Central American States, together with those of

Mexico, Hayti, and San Domingo, to discuss sundry important monetary and commercial topics.

Excepting in those cases where, from reasons of contiguity of territory and the existence of a common border line incapable of being guarded, reciprocal commercial treaties may be found expedient, it is believed that commercial policies inducing freer mutual exchange of products can be most advantageously arranged by independent but cooperative legislation.

In the mode last mentioned the control of our taxation for revenue will be always retained in our own hands unrestricted by conventional agreements with other governments.

In conformity also with Congressional authority, the maritime powers have been invited to confer in Washington in April next upon the practicability of devising uniform rules and measures for the greater security of life and property at sea. A disposition to accept on the part of a number of the powers has already been manifested, and if the cooperation of the nations chiefly interested shall be secured important results may be confidently anticipated.

The act of June 26, 1884, and the acts amendatory thereof, in relation to tonnage duties, have given rise to extended correspondence with foreign nations with whom we have existing treaties of navigation and commerce, and have caused wide and regrettable divergence of opinion in relation to the imposition of the duties referred to. These questions are important, and I shall make them the subject of a special and more detailed communication at the present session.

With the rapid increase of immigration to our shores and the facilities of modern travel, abuses of the generous privileges afforded by our naturalization laws call for their careful revision.

The easy and unguarded manner in which certificates of American citizenship can now be obtained has induced a class, unfortunately large, to avail themselves of the opportunity to become absolved from allegiance to their native land, and yet by a foreign residence to escape any just duty and contribution of service to the country of their proposed adoption. Thus, while evading the duties of citizenship to the United States, they may make prompt claim for its national protection and demand its intervention in their behalf. International complications of a serious nature arise, and the correspondence of the State Department discloses the great number and complexity of the questions which have been raised.

Our laws regulating the issue of passports should be carefully revised, and the institution of a central bureau of registration at the capital is again strongly recommended. By this means full particulars of each case of naturalization in the United States would be secured and properly indexed and recorded, and thus many cases of spurious citizenship would be detected and unjust responsibilities would be avoided.

The reorganization of the consular service is a matter of serious importance to our national interests. The number of existing principal

consular offices is believed to be greater than is at all necessary for the conduct of the public business. It need not be our policy to maintain more than a moderate number of principal offices, each supported by a salary sufficient to enable the incumbent to live in comfort, and so distributed as to secure the convenient supervision, through subordinate agencies, of affairs over a considerable district.

I repeat the recommendations heretofore made by me that the appropriations for the maintenance of our diplomatic and consular service should be recast; that the so-called notarial or unofficial fees, which our representatives abroad are now permitted to treat as personal perquisites, should be forbidden; that a system of consular inspection should be instituted, and that a limited number of secretaries of legation at large should be authorized.

Preparations for the centennial celebration, on April 30, 1889, of the inauguration of George Washington as President of the United States, at the city of New York, have been made by a voluntary organization of the citizens of that locality, and believing that an opportunity should be afforded for the expression of the interest felt throughout the country in this event, I respectfully recommend fitting and cooperative action by Congress on behalf of the people of the United States.

The report of the Secretary of the Treasury exhibits in detail the condition of our national finances and the operations of the several branches of the Government related to his Department.

The total ordinary revenues of the Government for the fiscal year ended June 30, 1888, amounted to $379,266,074.76, of which $219,091,173.63 was received from customs duties and $124,296,871.98 from internal-revenue taxes.

The total receipts from all sources exceeded those for the fiscal year ended June 30, 1887, by $7,862,797.10.

The ordinary expenditures of the Government for the fiscal year ending June 30, 1888, were $259,653,958.67, leaving a surplus of $119,612,116.09.

The decrease in these expenditures as compared with the fiscal year ended June 30, 1887, was $8,278,221.30, notwithstanding the payment of more than $5,000,000 for pensions in excess of what was paid for that purpose in the latter-mentioned year.

The revenues of the Government for the year ending June 30, 1889, ascertained for the quarter ended September 30, 1888, and estimated for the remainder of the time, amount to $377,000,000, and the actual and estimated ordinary expenditures for the same year are $273,000,000, leaving an estimated surplus of $104,000,000.

The estimated receipts for the year ending June 30, 1890, are $377,000,000, and the estimated ordinary expenditures for the same time are $275,767,488.34, showing a surplus of $101,232,511.66.

The foregoing statements of surplus do not take into account the sum

necessary to be expended to meet the requirements of the sinking-fund act, amounting to more than $47,000,000 annually.

The cost of collecting the customs revenues for the last fiscal year was 2.44 per cent; for the year 1885 it was 3.77 per cent.

The excess of internal-revenue taxes collected during the last fiscal year over those collected for the year ended June 30, 1887, was $5,489,174.26, and the cost of collecting this revenue decreased from 3.4 per cent in 1887 to less than 3.2 per cent for the last year. The tax collected on oleomargarine was $723,948.04 for the year ending June 30, 1887, and $864,139.88 for the following year.

The requirements of the sinking-fund act have been met for the year ended June 30, 1888, and for the current year also, by the purchase of bonds. After complying with this law as positively required, and bonds sufficient for that purpose had been bought at a premium, it was not deemed prudent to further expend the surplus in such purchases until the authority to do so should be more explicit. A resolution, however, having been passed by both Houses of Congress removing all doubt as to Executive authority, daily purchases of bonds were commenced on the 23d day of April, 1888, and have continued until the present time. By this plan bonds of the Government not yet due have been purchased up to and including the 30th day of November, 1888, amounting to $94,700,400, the premium paid thereon amounting to $17,508,613.08.

The premium added to the principal of these bonds represents an investment yielding about 2 per cent interest for the time they still had to run, and the saving to the Government represented by the difference between the amount of interest at 2 per cent upon the sum paid for principal and premium and what it would have paid for interest at the rate specified in the bonds if they had run to their maturity is about $27,165,000.

At first sight this would seem to be a profitable and sensible transaction on the part of the Government, but, as suggested by the Secretary of the Treasury, the surplus thus expended for the purchase of bonds was money drawn from the people in excess of any actual need of the Government and was so expended rather than allow it to remain idle in the Treasury. If this surplus, under the operation of just and equitable laws, had been left in the hands of the people, it would have been worth in their business at least 6 per cent per annum. Deducting from the amount of interest upon the principal and premium of these bonds for the time they had to run at the rate of 6 per cent the saving of 2 per cent made for the people by the purchase of such bonds, the loss will appear to be $55,760,000.

This calculation would seem to demonstrate that if excessive and unnecessary taxation is continued and the Government is forced to pursue this policy of purchasing its own bonds at the premiums which it will be necessary to pay, the loss to the people will be hundreds of millions of dollars.

Since the purchase of bonds was undertaken as mentioned nearly all that have been offered were at last accepted. It has been made quite apparent that the Government was in danger of being subjected to combinations to raise their price, as appears by the instance cited by the Secretary of the offering of bonds of the par value of only $326,000 so often that the aggregate of the sums demanded for their purchase amounted to more than $19,700,000.

Notwithstanding the large sums paid out in the purchase of bonds, the surplus in the Treasury on the 30th day of November, 1888, was $52,234,610.01, after deducting about $20,000,000 just drawn out for the payment of pensions.

At the close of the fiscal year ended June 30, 1887, there had been coined under the compulsory silver-coinage act $266,988,280 in silver dollars, $55,504,310 of which were in the hands of the people.

On the 30th day of June, 1888, there had been coined $299,708,790; and of this $55,829,303 was in circulation in coin, and $200,387,376 in silver certificates, for the redemption of which silver dollars to that amount were held by the Government.

On the 30th day of November, 1888, $312,570,990 had been coined, $60,970,990 of the silver dollars were actually in circulation, and $237,418,346 in certificates.

The Secretary recommends the suspension of the further coinage of silver, and in such recommendation I earnestly concur.

For further valuable information and timely recommendations I ask the careful attention of the Congress to the Secretary's report.

The Secretary of War reports that the Army at the date of the last consolidated returns consisted of 2,189 officers and 24,549 enlisted men.

The actual expenditures of the War Department for the fiscal year ended June 30, 1888, amounted to $41,165,107.07, of which sum $9,158,516.63 was expended for public works, including river and harbor improvements.

"The Board of Ordnance and Fortifications" provided for under the act approved September 22 last was convened October 30, 1888, and plans and specifications for procuring forgings for 8, 10, and 12 inch guns, under provisions of section 4, and also for procuring 12-inch breech-loading mortars, cast iron, hooped with steel, under the provisions of section 5 of the said act, were submitted to the Secretary of War for reference to the board, by the Ordnance Department, on the same date.

These plans and specifications having been promptly approved by the board and the Secretary of War, the necessary authority to publish advertisements inviting proposals in the newspapers throughout the country was granted by the Secretary on November 12, and on November 13 the advertisements were sent out to the different newspapers designated. The bids for the steel forgings are to be opened on December 20, 1888, and for the mortars on December 15, 1888.

A board of ordnance officers was convened at the Watervliet Arsenal on October 4, 1888, to prepare the necessary plans and specifications for the establishment of an army gun factory at that point. The preliminary report of this board, with estimates for shop buildings and officers' quarters, was approved by the Board of Ordnance and Fortifications November 6 and 8. The specifications and form of advertisement and instructions to bidders have been prepared, and advertisements inviting proposals for the excavations for the shop building and for erecting the two sets of officers' quarters have been published. The detailed drawings and specifications for the gun-factory building are well in hand, and will be finished within three or four months, when bids will be invited for the erection of the building. The list of machines, etc., is made out, and it is expected that the plans for the large lathes, etc., will be completed within about four months, and after approval by the Board of Ordnance and Fortifications bids for furnishing the same will be invited. The machines and other fixtures will be completed as soon as the shop is in readiness to receive them, probably about July, 1890.

Under the provisions of the Army bill for the procurement of pneumatic dynamite guns, the necessary specifications are now being prepared, and advertisements for proposals will issue early in December. The guns will probably be of 15 inches caliber and fire a projectile that will carry a charge each of about 500 pounds of explosive gelatine with full-caliber projectiles. The guns will probably be delivered in from six to ten months from the date of the contract, so that all the guns of this class that can be procured under the provisions of the law will be purchased during the year 1889.

I earnestly request that the recommendations contained in the Secretary's report, all of which are, in my opinion, calculated to increase the usefulness and discipline of the Army, may receive the consideration of the Congress. Among these the proposal that there should be provided a plan for the examination of officers to test their fitness for promotion is of the utmost importance. This reform has been before recommended in the reports of the Secretary, and its expediency is so fully demonstrated by the argument he presents in its favor that its adoption should no longer be neglected.

The death of General Sheridan in August last was a national affliction. The Army then lost the grandest of its chiefs. The country lost a brave and experienced soldier, a wise and discreet counselor, and a modest and sensible man. Those who in any manner came within the range of his personal association will never fail to pay deserved and willing homage to his greatness and the glory of his career, but they will cherish with more tender sensibility the loving memory of his simple, generous, and considerate nature.

The Apache Indians, whose removal from their reservation in Arizona followed the capture of those of their number who engaged in a

bloody and murderous raid during a part of the years 1885 and 1886, are now held as prisoners of war at Mount Vernon Barracks, in the State of Alabama. They numbered on the 31st day of October, the date of the last report, 83 men, 170 women, 70 boys, and 59 girls; in all, 382 persons. The commanding officer states that they are in good health and contented, and that they are kept employed as fully as is possible in the circumstances. The children, as they arrive at a suitable age, are sent to the Indian schools at Carlisle and Hampton.

Last summer some charitable and kind people asked permission to send two teachers to these Indians for the purpose of instructing the adults as well as such children as should be found there. Such permission was readily granted, accommodations were provided for the teachers, and some portions of the buildings at the barracks were made available for school purposes. The good work contemplated has been commenced, and the teachers engaged are paid by the ladies with whom the plan originated.

I am not at all in sympathy with those benevolent but injudicious people who are constantly insisting that these Indians should be returned to their reservation. Their removal was an absolute necessity if the lives and property of citizens upon the frontier are to be at all regarded by the Government. Their continued restraint at a distance from the scene of their repeated and cruel murders and outrages is still necessary. It is a mistaken philanthropy, every way injurious, which prompts the desire to see these savages returned to their old haunts. They are in their present location as the result of the best judgment of those having official responsibility in the matter, and who are by no means lacking in kind consideration for the Indians. A number of these prisoners have forfeited their lives to outraged law and humanity. Experience has proved that they are dangerous and can not be trusted. This is true not only of those who on the warpath have heretofore actually been guilty of atrocious murder, but of their kindred and friends, who, while they remained upon their reservation, furnished aid and comfort to those absent with bloody intent.

These prisoners should be treated kindly and kept in restraint far from the locality of their former reservation; they should be subjected to efforts calculated to lead to their improvement and the softening of their savage and cruel instincts, but their return to their old home should be persistently resisted.

The Secretary in his report gives a graphic history of these Indians, and recites with painful vividness their bloody deeds and the unhappy failure of the Government to manage them by peaceful means. It will be amazing if a perusal of this history will allow the survival of a desire for the return of these prisoners to their reservation upon sentimental or any other grounds.

The report of the Secretary of the Navy demonstrates very intelligent

INDIAN WARFARE: UNSUCCESSFUL PEACE ENVOYS

UNSUCCESSFUL PEACE ENVOYS TO INDIANS

The Government tried to combine punishment and placation in its Indian policy. After an outrage men like Custer and Miles would swoop down on the Indian encampments, capture their arms and ammunition and kill their leaders in iniquity. Then the Indians, unable to support life on the plains without firearms, would notify the nearest commandant of their submission and beg for peace. The Government agents would solemnly go through the formality of forever making peace, and trouble with that particular tribe would seem to be ended, until, with the return of fair weather, the instincts of the savage would force him to again take arms against his oppressor and placation would give place to punishment.

"The Indians practically remained masters of the plains country up to 1874," says General Miles. This incessant war engaged the attention of our Presidents to a great degree from Washington's time to Cleveland's. In the index (volume eleven) there are twenty-three pages of articles and citations covering the whole subject, under the heading "Indian," etc.

management in that important Department, and discloses the most satisfactory progress in the work of reconstructing the Navy made during the past year. Of the ships in course of construction five, viz, the *Charleston*, *Baltimore*, *Yorktown*, *Vesuvius*, and the *Petrel*, have in that time been launched and are rapidly approaching completion; and in addition to the above, the *Philadelphia*, the *San Francisco*, the *Newark*, the *Bennington*, the *Concord*, and the Herreshoff torpedo boat are all under contract for delivery to the Department during the next year. The progress already made and being made gives good ground for the expectation that these eleven vessels will be incorporated as part of the American Navy within the next twelve months.

The report shows that notwithstanding the large expenditures for new construction and the additional labor they involve the total ordinary or current expenditures of the Department for the three years ending June 30, 1888, are less by more than 20 per cent than such expenditures for the three years ending June 30, 1884.

The various steps which have been taken to improve the business methods of the Department are reviewed by the Secretary. The purchasing of supplies has been consolidated and placed under a responsible bureau head. This has resulted in the curtailment of open purchases, which in the years 1884 and 1885 amounted to over 50 per cent of all the purchases of the Department, to less than 11 per cent; so that at the present time about 90 per cent of the total departmental purchases are made by contract and after competition. As the expenditures on this account exceed an average of $2,000,000 annually, it is evident that an important improvement in the system has been inaugurated and substantial economies introduced.

The report of the Postmaster-General shows a marked increase of business in every branch of the postal service.

The number of post-offices on July 1, 1888, was 57,376, an increase of 6,124 in three years and of 2,219 for the last fiscal year. The latter-mentioned increase is classified as follows:

New England States	
Middle States	181
Southern States and Indian Territory (41)	1,406
The States and Territories of the Pacific Coast	190
The ten States and Territories of the West and Northwest	435
District of Columbia	2
Total	2,219

Free-delivery offices have increased from 189 in the fiscal year ended June 30, 1887, to 358 in the year ended June 30, 1888.

In the Railway Mail Service there has been an increase in one year of 168 routes, and in the number of miles traveled per annum an increase of 15,795,917.48. The estimated increase of railroad service for the year was 6,000 miles, but the amount of new railroad service actually put on was 12,764.50 miles.

The volume of business in the Money-Order Division, including transactions in postal notes, reached the sum of upward of $143,000,000 for the year.

During the past year parcel-post conventions have been concluded with Barbados, the Bahamas, British Honduras, and Mexico, and are now under negotiation with all the Central and South American States. The increase of correspondence with foreign countries during the past three years is gratifying, and is especially notable and exceptional with the Central and South American States and with Mexico. As the greater part of mail matter exchanged with these countries is commercial in its character, this increase is evidence of the improved business relations with them. The practical operation of the parcel-post conventions, so far as negotiated, has served to fulfill the most favorable predictions as to their benefits. In January last a general postal convention was negotiated with the Dominion of Canada, which went into operation on March 1, and which practically makes one postal territory of the United States and Canada. Under it merchandise parcels may now be transmitted through the mails at fourth-class rates of postage.

It is not possible here to touch even the leading heads of the great postal establishment to illustrate the enormous and rapid growth of its business and the needs for legislative readjustment of much of its machinery that it has outgrown. For these and valuable recommendations of the Postmaster-General attention is earnestly invited to his report.

A Department whose revenues have increased from $19,772,000 in 1870 to $52,700,000 in 1888, despite reductions of postage which have enormously reduced rates of revenue while greatly increasing its business, demands the careful consideration of the Congress as to all matters suggested by those familiar with its operations, and which are calculated to increase its efficiency and usefulness.

A bill proposed by the Postmaster-General was introduced at the last session of the Congress by which a uniform standard in the amount of gross receipts would fix the right of a community to a public building to be erected by the Government for post-office purposes. It was demonstrated that, aside from the public convenience and the promotion of harmony among citizens, invariably disturbed by change of leasings and of site, it was a measure of the highest economy and of sound business judgment. It was found that the Government was paying in rents at the rate of from 7 to 10 per cent per annum on what the cost of such public buildings would be. A very great advantage resulting from such a law would be the prevention of a large number of bills constantly introduced for the erection of public buildings at places, and involving expenditures not justified by public necessity. I trust that this measure will become a law at the present session of Congress.

Of the total number of postmasters 54,874 are of the fourth class. These, of course, receive no allowances whatever for expenses in the

service, and their compensation is fixed by percentages on receipts at their respective offices. This rate of compensation may have been, and probably was, at some time just, but the standard has remained unchanged through the several reductions in the rates of postage. Such reductions have necessarily cut down the compensation of these officials, while it undoubtedly increased the business performed by them. Simple justice requires attention to this subject, to the end that fourth-class postmasters may receive at least an equivalent to that which the law itself, fixing the rate, intended for them.

Another class of postal employees whose condition seems to demand legislation is that of clerks in post-offices, and I call especial attention to the repeated recommendations of the Postmaster-General for their classification. Proper legislation of this character for the relief of carriers in the free-delivery service has been frequent. Provision is made for their promotion; for substitutes for them on vacation; for substitutes for holidays, and limiting their hours of labor. Seven million dollars has been appropriated for the current year to provide for them, though the total number of offices where they are employed is but 358 for the past fiscal year, with an estimated increase for the current year of but 40, while the total appropriation for all clerks in offices throughout the United States is $5,950,000.

The legislation affecting the relations of the Government with railroads is in need of revision. While for the most part the railroad companies throughout the country have cordially cooperated with the Post-Office Department in rendering excellent service, yet under the law as it stands, while the compensation to them for carrying the mail is limited and regulated, and although railroads are made post-roads by law, there is no authority reposed anywhere to compel the owner of a railroad to take and carry the United States mails. The only alternative provided by act of Congress in case of refusal is for the Postmaster-General to send mail forward by pony express. This is but an illustration of ill-fitting legislation, reasonable and proper at the time of its enactment, but long since outgrown and requiring readjustment.

It is gratifying to note from the carefully prepared statistics accompanying the Postmaster-General's report that notwithstanding the great expansion of the service the rate of expenditure has been lessened and efficiency has been improved in every branch; that fraud and crime have decreased; that losses from the mails have been reduced, and that the number of complaints of the service made to postmasters and to the Department are far less than ever before.

The transactions of the Department of Justice for the fiscal year ended June 30, 1888, are contained in the report of the Attorney-General, as well as a number of valuable recommendations, the most part of which are repetitions of those previously made, and ought to receive consideration.

It is stated in this report that though judgments in civil suits amounting

to $552,021.08 were recovered in favor of the Government during the year, only the sum of $132,934 was collected thereon; and that though fines, penalties, and forfeitures were imposed amounting to $541,808.43, only $109,648.42 of that sum was paid on account thereof. These facts may furnish an illustration of the sentiment which extensively prevails that a debt due the Government should cause no inconvenience to the citizen.

It also appears from this report that though prior to March, 1885, there had been but 6 convictions in the Territories of Utah and Idaho under the laws of 1862 and 1882, punishing polygamy and unlawful cohabitation as crimes, there have been since that date nearly 600 convictions under these laws and the statutes of 1887; and the opinion is expressed that under such a firm and vigilant execution of these laws and the advance of ideas opposed to the forbidden practices polygamy within the United States is virtually at an end.

Suits instituted by the Government under the provisions of the act of March 3, 1887, for the termination of the corporations known as the Perpetual Emigrating Fund Company and the Church of Jesus Christ of Latter-day Saints have resulted in a decree favorable to the Government, declaring the charters of these corporations forfeited and escheating their property. Such property, amounting in value to more than $800,000, is in the hands of a receiver pending further proceedings, an appeal having been taken to the Supreme Court of the United States.

In the report of the Secretary of the Interior, which will be laid before you, the condition of the various branches of our domestic affairs connected with that Department and its operations during the past year are fully exhibited. But a brief reference to some of the subjects discussed in this able and interesting report can here be made; but I commend the entire report to the attention of the Congress, and trust that the sensible and valuable recommendations it contains will secure careful consideration.

I can not too strenuously insist upon the importance of proper measures to insure a right disposition of our public lands, not only as a matter of present justice, but in forecast of the consequences to future generations. The broad, rich acres of our agricultural plains have been long preserved by nature to become her untrammeled gift to a people civilized and free, upon which should rest in well-distributed ownership the numerous homes of enlightened, equal, and fraternal citizens. They came to national possession with the warning example in our eyes of the entail of iniquities in landed proprietorship which other countries have permitted and still suffer. We have no excuse for the violation of principles cogently taught by reason and example, nor for the allowance of pretexts which have sometimes exposed our lands to colossal greed. Laws which open a door to fraudulent acquisition, or administration which permits favor to rapacious seizure by a favored few of expanded areas that many

should enjoy, are accessory to offenses against our national welfare and humanity not to be too severely condemned or punished.

It is gratifying to know that something has been done at last to redress the injuries to our people and check the perilous tendency of the reckless waste of the national domain. That over 80,000,000 acres have been arrested from illegal usurpation, improvident grants, and fraudulent entries and claims, to be taken for the homesteads of honest industry—although less than the greater areas thus unjustly lost—must afford a profound gratification to right-feeling citizens, as it is a recompense for the labors and struggles of the recovery. Our dear experience ought sufficiently to urge the speedy enactment of measures of legislation which will confine the future disposition of our remaining agricultural lands to the uses of actual husbandry and genuine homes.

Nor should our vast tracts of so-called desert lands be yielded up to the monopoly of corporations or grasping individuals, as appears to be much the tendency under the existing statute. These lands require but the supply of water to become fertile and productive. It is a problem of great moment how most wisely for the public good that factor shall be furnished. I can not but think it perilous to suffer either these lands or the sources of their irrigation to fall into the hands of monopolies, which by such means may exercise lordship over the areas dependent on their treatment for productiveness. Already steps have been taken to secure accurate and scientific information of the conditions, which is the prime basis of intelligent action. Until this shall be gained the course of wisdom appears clearly to lie in a suspension of further disposal, which only promises to create rights antagonistic to the common interest. No harm can follow this cautionary conduct. The land will remain, and the public good presents no demand for hasty dispossession of national ownership and control.

I commend also the recommendations that appropriate measures be taken to complete the adjustment of the various grants made to the States for internal improvements and of swamp and overflowed lands, as well as to adjudicate and finally determine the validity and extent of the numerous private land claims. All these are elements of great injustice and peril to the settlers upon the localities affected; and now that their existence can not be avoided, no duty is more pressing than to fix as soon as possible their bounds and terminate the threats of trouble which arise from uncertainty.

The condition of our Indian population continues to improve and the proofs multiply that the transforming change, so much to be desired, which shall substitute for barbarism enlightenment and civilizing education, is in favorable progress. Our relations with these people during the year have been disturbed by no serious disorders, but rather marked by a better realization of their true interests and increasing confidence and good will. These conditions testify to the value of the higher tone

of consideration and humanity which has governed the later methods of dealing with them, and commend its continued observance.

Allotments in severalty have been made on some reservations until all those entitled to land thereon have had their shares assigned, and the work is still continued. In directing the execution of this duty I have not aimed so much at rapid dispatch as to secure just and fair arrangements which shall best conduce to the objects of the law by producing satisfaction with the results of the allotments made. No measure of general effect has ever been entered on from which more may be fairly hoped if it shall be discreetly administered. It proffers opportunity and inducement to that independence of spirit and life which the Indian peculiarly needs, while at the same time the inalienability of title affords security against the risks his inexperience of affairs or weakness of character may expose him to in dealing with others. Whenever begun upon any reservation it should be made complete, so that all are brought to the same condition, and as soon as possible community in lands should cease by opening such as remain unallotted to settlement. Contact with the ways of industrious and successful farmers will perhaps add a healthy emulation which will both instruct and stimulate.

But no agency for the amelioration of this people appears to me so promising as the extension, urged by the Secretary, of such complete facilities of education as shall at the earliest possible day embrace all teachable Indian youth, of both sexes, and retain them with a kindly and beneficent hold until their characters are formed and their faculties and dispositions trained to the sure pursuit of some form of useful industry. Capacity of the Indian no longer needs demonstration. It is established. It remains to make the most of it, and when that shall be done the curse will be lifted, the Indian race saved, and the sin of their oppression redeemed. The time of its accomplishment depends upon the spirit and justice with which it shall be prosecuted. It can not be too soon for the Indian nor for the interests and good name of the nation.

The average attendance of Indian pupils on the schools increased by over 900 during the year, and the total enrollment reached 15,212. The cost of maintenance was not materially raised. The number of teachable Indian youth is now estimated at 40,000, or nearly three times the enrollment of the schools. It is believed the obstacles in the way of instructing are all surmountable, and that the necessary expenditure would be a measure of economy.

The Sioux tribes on the great reservation of Dakota refused to assent to the act passed by the Congress at its last session for opening a portion of their lands to settlement, notwithstanding modification of the terms was suggested which met most of their objections. Their demand is for immediate payment of the full price of $1.25 per acre for the entire body of land the occupancy of which they are asked to relinquish.

The manner of submission insured their fair understanding of the law, and their action was undoubtedly as thoroughly intelligent as their capacity admitted. It is at least gratifying that no reproach of overreaching can in any manner lie against the Government, however advisable the favorable completion of the negotiation may have been esteemed.

I concur in the suggestions of the Secretary regarding the Turtle Mountain Indians, the two reservations in California, and the Crees. They should, in my opinion, receive immediate attention.

The number of pensioners added to the rolls during the fiscal year ended June 30, 1888, is 60,252, and increase of pensions was granted in 45,716 cases. The names of 15,730 pensioners were dropped from the rolls during the year from various causes, and at the close of the year the number of persons of all classes receiving pensions was 452,557. Of these there were 806 survivors of the War of 1812, 10,787 widows of those who served in that war, 16,060 soldiers of the Mexican War, and 5,104 widows of said soldiers.

One hundred and two different rates of pensions are paid to these beneficiaries, ranging from $2 to $416.66 per month.

The amount paid for pensions during the fiscal year was $78,775,861.92, being an increase over the preceding year of $5,308,280.22. The expenses attending the maintenance and operation of the Pension Bureau during that period was $3,262,524.67, making the entire expenditures of the Bureau $82,038,386.57, being 21½ per cent of the gross income and nearly 31 per cent of the total expenditures of the Government during the year.

I am thoroughly convinced that our general pension laws should be revised and adjusted to meet as far as possible, in the light of our experience, all meritorious cases. The fact that 102 different rates of pensions are paid can not, in my opinion, be made consistent with justice to the pensioners or to the Government; and the numerous private pension bills that are passed, predicated upon the imperfection of general laws, while they increase in many cases existing inequality and injustice, lend additional force to the recommendation for a revision of the general laws on this subject.

The laxity of ideas prevailing among a large number of our people regarding pensions is becoming every day more marked. The principles upon which they should be granted are in danger of being altogether ignored, and already pensions are often claimed because the applicants are as much entitled as other successful applicants, rather than upon any disability reasonably attributable to military service. If the establishment of vicious precedents be continued, if the granting of pensions be not divorced from partisan and other unworthy and irrelevant considerations, and if the honorable name of veteran unfairly becomes by these means but another term for one who constantly clamors for the

aid of the Government, there is danger that injury will be done to the fame and patriotism of many whom our citizens all delight to honor, and that a prejudice will be aroused unjust to meritorious applicants for pensions.

The Department of Agriculture has continued, with a good measure of success, its efforts to develop the processes, enlarge the results, and augment the profits of American husbandry. It has collected and distributed practical information, introduced and tested new plants, checked the spread of contagious diseases of farm animals, resisted the advance of noxious insects and destructive fungous growths, and sought to secure to agricultural labor the highest reward of effort and the fullest immunity from loss. Its records of the year show that the season of 1888 has been one of medium production. A generous supply of the demands of consumption has been assured, and a surplus for exportation, moderate in certain products and bountiful in others, will prove a benefaction alike to buyer and grower.

Four years ago it was found that the great cattle industry of the country was endangered, and those engaged in it were alarmed at the rapid extension of the European lung plague of pleuro-pneumonia. Serious outbreaks existed in Illinois, Missouri, and Kentucky, and in Tennessee animals affected were held in quarantine. Five counties in New York and from one to four counties in each of the States of New Jersey, Pennsylvania, Delaware, and Maryland were almost equally affected.

With this great danger upon us and with the contagion already in the channels of commerce, with the enormous direct and indirect losses already being caused by it, and when only prompt and energetic action could be successful, there were in none of these States any laws authorizing this Department to eradicate the malady or giving the State officials power to cooperate with it for this purpose. The Department even lacked both the requisite appropriation and authority.

By securing State cooperation in connection with authority from Congress the work of eradication has been pressed successfully, and this dreaded disease has been extirpated from the Western States and also from the Eastern States, with the exception of a few restricted areas, which are still under supervision. The danger has thus been removed, and trade and commerce have been freed from the vexatious State restrictions which were deemed necessary for a time.

During the past four years the process of diffusion, as applied to the manufacture of sugar from sorghum and sugar cane, has been introduced into this country and fully perfected by the experiments carried on by the Department of Agriculture. This process is now universally considered to be the most economical one, and it is through it that the sorghum-sugar industry has been established upon a firm basis and the road to its future success opened. The adoption of this diffusion process is also extending in Louisiana and other sugar-producing parts of

the country, and will doubtless soon be the only method employed for the extraction of sugar from the cane.

An exhaustive study has also within the same period been undertaken of the subject of food adulteration and the best analytical methods for detecting it. A part of the results of this work has already been published by the Department, which, with the matter in course of preparation, will make the most complete treatise on that subject that has ever been published in any country.

The Department seeks a progressive development. It would combine the discoveries of science with the economics and amelioration of rural practice. A supervision of the endowed experimental-station system recently provided for is a proper function of the Department, and is now in operation. This supervision is very important, and should be wisely and vigilantly directed, to the end that the pecuniary aid of the Government in favor of intelligent agriculture should be so applied as to result in the general good and to the benefit of all our people, thus justifying the appropriations made from the public Treasury.

The adjustment of the relations between the Government and the railroad companies which have received land grants and the guaranty of the public credit in aid of the construction of their roads should receive early attention. The report of a majority of the commissioners appointed to examine the affairs and indebtedness of these roads, in which they favor an extension of the time for the payment of such indebtedness in at least one case where the corporation appears to be able to comply with well-guarded and exact terms of such extension, and the reenforcement of their opinion by gentlemen of undoubted business judgment and experience, appointed to protect the interests of the Government as directors of said corporation, may well lead to the belief that such an extension would be to the advantage of the Government.

The subject should be treated as a business proposition with a view to a final realization of its indebtedness by the Government, rather than as a question to be decided upon prejudice or by way of punishment for previous wrongdoing.

The report of the Commissioners of the District of Columbia, with its accompanying documents, gives in detail the operations of the several departments of the District government, and furnishes evidence that the financial affairs of the District are at present in such satisfactory condition as to justify the Commissioners in submitting to the Congress estimates for desirable and needed improvements.

The Commissioners recommend certain legislation which in their opinion is necessary to advance the interests of the District.

I invite your special attention to their request for such legislation as will enable the Commissioners without delay to collect, digest, and properly arrange the laws by which the District is governed, and which are now embraced in several collections, making them available only with

great difficulty and labor. The suggestions they make touching desirable amendments to the laws relating to licenses granted for carrying on the retail traffic in spirituous liquors, to the observance of Sunday, to the proper assessment and collection of taxes, to the speedy punishment of minor offenders, and to the management and control of the reformatory and charitable institutions supported by Congressional appropriations are commended to careful consideration.

I again call attention to the present inconvenience and the danger to life and property attending the operation of steam railroads through and across the public streets and roads of the District. The propriety of such legislation as will properly guard the use of these railroads and better secure the convenience and safety of citizens is manifest.

The consciousness that I have presented but an imperfect statement of the condition of our country and its wants occasions no fear that anything omitted is not known and appreciated by the Congress, upon whom rests the responsibility of intelligent legislation in behalf of a great nation and a confiding people.

As public servants we shall do our duty well if we constantly guard the rectitude of our intentions, maintain unsullied our love of country, and with unselfish purpose strive for the public good.

GROVER CLEVELAND.

SPECIAL MESSAGES.

To the Congress:

EXECUTIVE MANSION, *December 21, 1888.*

On the 2d of April last I transmitted to the House of Representatives, in response to its resolution of the 8th of the preceding March, a report of the Secretary of State, with accompanying correspondence, relative to affairs in Samoa.* On the same day I answered a resolution of the Senate of the 21st of the preceding December to the same effect, but adopted in executive session, and, in order to avoid duplication of the numerous documents involved, referred to the correspondence which accompanied my public response to the resolution of the House of Representatives, and which was duly printed and published by order of that body (House Executive Document No. 238, Fiftieth Congress, first session).

In my annual message of the 3d instant I announced my intention in due course to lay before Congress further correspondence on Samoan affairs. Accordingly, I now transmit a report of the Secretary of State, with accompanying correspondence, on that subject.

GROVER CLEVELAND.

*See p. 5197.

EXECUTIVE MANSION, *January 2, 1889.*

To the Senate:

On or about the 25th day of September, 1888, I received a copy of a resolution adopted on that day by the Senate in executive session, requesting the transmission to that body by the President of all communications and correspondence (not heretofore sent to the Senate) under his control on the subject of the proposed convention with China, transmitted by him to the Senate by message dated 16th March, 1888,* and on the subject of the reported failure of the Government of China to finally agree to the same.

A few days after the copy of said resolution was received by me, and on the 1st day of October, 1888, I sent a communication to the Congress,† accompanying my approval of a bill prohibiting the return of Chinese laborers to the United States, in which I supposed all the information sought under the terms of the Senate resolution above recited was fully supplied.

I beg to refer in this connection to Senate Executive Document No. 273, first session of the Fiftieth Congress, and especially to page 3 thereof.

Believing the information contained in said document answered the purposes of said Senate resolution, no separate and explicit answer was made thereto.

But in my message of October 1, 1888, the tenor and purport of a cipher dispatch from our minister in China to the Secretary of State, dated September 21, 1888, was given instead of attempting to transmit a copy of the same.

For greater precision, however, and with the object of answering in more exact terms the resolution of the Senate, I transmit with this, in paraphrase of the cipher, a copy of the said dispatch. I also transmit copies of two notes which accompanied my message of October 1, 1888, one from Mr. Shu Cheon Pon, chargé d'affaires of the Chinese legation in this city, dated September 25, 1888, to the Secretary of State, and the other being the reply thereto by the Secretary of State, dated September 26, 1888, both of which will be found in Senate Executive Document No. 273.

The dispatch and notes above referred to comprise, in the language of the Senate resolution, "all communications and correspondence" the transmission of which is therein requested.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 3, 1889.*

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a report of the Secretary of State, with accompanying papers, recommending an

*See p. 5195. † See pp. 5215–5220.

appropriation for the relief of Japanese subjects injured and of the families of Japanese subjects killed on the island of Ikisima in consequence of target practice directed against the shore by the United States man-of-war *Omaha* in March, 1887.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 3, 1889.*

To the Senate:

I desire to supplement the message yesterday sent to your honorable body in response to a Senate executive resolution dated September 25, 1888, asking the transmission of certain communications and correspondence on the subject of the recent proposed convention with China and the reported failure of the Government of China to finally agree to the same, by adding to said response two telegrams I omitted therefrom, which were sent in cipher by the Secretary of State to our minister at Peking, and which may be considered by the Senate relevant to the subject of its inquiry.

One of said dispatches is as follows:

WASHINGTON, *September 4, 1888.*

DENBY,
Minister, Peking:

Rejection of treaty is reported here. What information have you?

BAYARD.

Two replies to this dispatch were made by our minister to China, dated, respectively, September 5 and September 6, 1888. They were heretofore, and on September 7, 1888,* sent to the Senate, and are printed in Senate Executive Document No. 271.

The other of said dispatches is as follows:

WASHINGTON, *September 18, 1888.*

DENBY,
Minister, Peking:

The bill has passed both Houses of Congress for total exclusion of Chinese and awaits President's approval. Public feeling on the Pacific Coast excited in favor of it, and situation is critical. Impress upon Government of China necessity for instant decision in the interest of treaty relations and amity.

BAYARD.

The answer of our minister at Peking to this dispatch, dated September 21, 1888, was yesterday sent to the Senate with the message to which this is a supplement.

The matters herein contained are now transmitted, to the end that they may, if deemed pertinent, be added to the response already made to the Senate resolution of inquiry, and with the intent that in any view of the subject the answer to said resolution may be full and complete.

GROVER CLEVELAND.

*See p. 5212.

EXECUTIVE MANSION,
Washington, January 7, 1889.

To the Senate:

I transmit, with a view to its ratification, an agreement signed by the plenipotentiaries of the United States and Denmark on the 6th ultimo, submitting to arbitration the claim of Carlos Butterfield & Co. against the Government of Denmark for indemnity for the seizure and detention of the steamer *Ben Franklin* and the bark *Catherine Augusta* by the authorities of the island of St. Thomas, of the Danish West India Islands, in the years 1854 and 1855; for the refusal of the ordinary right to land cargo for the purpose of making repairs; for the injuries resulting from a shot fired into one of the vessels, and for other wrongs. I also transmit a report from the Secretary of State inclosing the recent correspondence between the two Governments in regard to the claim.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 14, 1889.*

To the Senate and House of Representatives:

Whereas, by virtue of the provisions of the act of Congress approved June 22, 1860 (12 U. S. Statutes at Large, p. 73), entitled "An act to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," Charles Denby, minister of the United States at Peking, has formally promulgated, under date of August 18, 1888, additional regulations governing the rendition of judgments by confession in the consular courts of the United States in China, the same having been previously assented to by all the consular officers of this Government in that Empire:

Now, therefore, in accordance with section 4119 of the Revised Statutes of the United States, being the sixth section of the act above mentioned, and which directs that all such regulations shall be transmitted to the Secretary of State, "to be laid before Congress for revision," I do herewith transmit to Congress a copy of Mr. Denby's dispatch No. 754, of November 5, 1888, containing the regulations so decreed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 14, 1889.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress and such legislation in respect of the matters therein presented as may seem necessary and proper, a report of the Secretary of State, with accompanying explanatory correspondence, in reference to the international questions arising from the imposition of differential rates of tonnage dues upon vessels

entering ports of the United States from foreign countries under the provisions of the fourteenth section of the act of June 26, 1884, and the later amendatory provisions of the act of June 19, 1886, as set forth in said report.

GROVER CLEVELAND.

To the Congress:

EXECUTIVE MANSION, *January 15, 1889.*

On the 2d day of April, 1888, I transmitted to the House of Representatives, in response to a resolution passed by that body, a report from the Secretary of State, relating to the condition of affairs in the Samoan Islands, together with numerous letters, dispatches, and documents connected with the subject, which gave a history of all disorders in that locality up to that date.*

On the 21st day of December, 1888, this information was supplemented by the transmission to the Congress of such further correspondence and documents as extended this history to that time.†

I now submit a report from the Secretary of State, with later correspondence and dispatches, exhibiting the progress of the disturbances in Samoa up to the present date.

The information thus laid before the Congress is of much importance since it has relation to the preservation of American interests and the protection of American citizens and their property in a distant locality and under an unstable and unsatisfactory government.

In the midst of the disturbances which have arisen at Samoa such powers have been exercised as seemed to be within Executive control under our Constitution and laws, and which appear to accord with our national policy and traditions, to restore tranquillity and secure the safety of our citizens.

Through negotiation and agreement with Great Britain and Germany, which, with our own Government, constitute the treaty powers interested in Samoan peace and quiet, the attempt has been made to define more clearly the part which these powers should assume in the Government of that country, while at the same time its autonomy has been insisted upon.

These negotiations were at one time interrupted by such action on the part of the German Government as appeared to be inconsistent with their further continuance.

Germany, however, still asserts, as from the first she has done, that she has no desire or intention to overturn the native Samoan Government or to ignore our treaty rights, and she still invites our Government to join her in restoring peace and quiet. But thus far her propositions on this subject seem to lead to such a preponderance of German power in Samoa as was never contemplated by us and is inconsistent with every prior

* See p. 5197. † See p. 5385.

agreement or understanding, while her recent conduct as between native warring factions gives rise to the suspicion that she is not content with a neutral position.

Acting within the restraints which our Constitution and laws have placed upon Executive power, I have insisted that the autonomy and independence of Samoa should be scrupulously preserved according to the treaties made with Samoa by the powers named and their agreements and understanding with each other. I have protested against every act apparently tending in an opposite direction, and during the existence of internal disturbance one or more vessels of war have been kept in Samoan waters to protect American citizens and property.

These things will abundantly appear from the correspondence and papers which have been submitted to the Congress.

A recent collision between the forces from a German man-of-war stationed in Samoan waters and a body of natives rendered the situation so delicate and critical that the war ship *Trenton*, under the immediate command of Admiral Kimberly, was ordered to join the *Nipsic*, already at Samoa, for the better protection of the persons and property of our citizens and in furtherance of efforts to restore order and safety.

The attention of the Congress is especially called to the instructions given to Admiral Kimberly dated on the 11th instant and the letter of the Secretary of State to the German minister dated the 12th instant, which will be found among the papers herewith submitted.

By means of the papers and documents heretofore submitted and those which accompany this communication the precise situation of affairs in Samoa is laid before the Congress, and such Executive action as has been taken is fully exhibited.

The views of the Executive in respect of the just policy to be pursued with regard to this group of islands, which lie in the direct highway of a growing and important commerce between Australia and the United States, have found expression in the correspondence and documents which have thus been fully communicated to the Congress, and the subject in its present stage is submitted to the wider discretion conferred by the Constitution upon the legislative branch of the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 15, 1889.*

To the Senate of the United States:

I transmit herewith, in response to the resolution of the Senate of the 4th instant, a report of the Secretary of State, with accompanying copies of correspondence, touching recent occurrences in the island of Hayti, both as relates to the state of the Government there and to the seizure and delivery up of the American vessel *Haytien Republic.*

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 16, 1889.*

To the Senate and House of Representatives:

I have the honor to lay before you a report from the Secretary of State, with accompanying correspondence, in relation to the possible disturbances on the Isthmus of Panama in the event of the stoppage of work on the proposed interoceanic canal.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 21, 1889.*

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of the 5th instant, a report of the Secretary of State, touching correspondence with Venezuela in regard to the exchange of ratifications of the claims convention of December 5, 1885, between the United States and Venezuela and to the suspension by Venezuela of the monthly quotas of indebtedness under the convention between the two countries of April 25, 1866, together with copies of sundry correspondence between the Department of State and owners of Venezuelan certificates of award or their attorneys on the same subject, as requested in said resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 30, 1889.*

To the Senate and the House of Representatives:

For the information of Congress I herewith transmit a report of the Secretary of State, with accompanying correspondence, relating to the execution of an agreement made between the representatives of certain foreign powers and the Korean Government in 1884 in respect to a foreign settlement at Chemulpo.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 30, 1889.*

To the Congress:

I had the honor on the 15th instant to communicate to your honorable body certain correspondence and documents in relation to affairs in the Samoan Islands;* and having since that date received further dispatches from the vice-consul at Apia and the commander of the United States naval vessel *Nipsic* in those waters, I lose no time in laying them before you.

I also transmit herewith the full text of an instruction from Prince von Bismarck to the German minister at this capital, which was communicated to the Secretary of State on the afternoon of the 28th instant.

This appears to be an amplification of a prior telegraphic instruction on the same subject communicated through the same channel, and, being set forth in the note of the Secretary of State to Count von Arco-Valley,

*See pp. 5389–5390.

the German minister, of the 12th instant, was duly laid before Congress with my last message in relation to Samoan affairs.

It is also proper to inform you that on Monday, the 28th instant, the occasion of the communication of the note of the Prince Chancellor, the Secretary of State was given to understand by the German minister that a proposition from his Government to that of the United States for a conference on the Samoan subject was on its way by mail, having left Berlin on the 20th instant, so that its arrival here in due course of mail could be looked for in a very short time.

In reply to an inquiry from the Secretary of State whether the proposition referred to was for a renewal of the joint conference between the United States, Germany, and Great Britain which was suspended in July, 1887, or for a consideration of Samoan affairs *ab novo*, the German minister stated his inability to answer until the proposition which left Berlin on the 20th instant should have been received.

I shall hereafter communicate to the Congress all information received by me in relation to the Samoan status.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 1, 1889.

To the Senate and House of Representatives:

As supplementary to my previous messages on the subject, I have now the honor to transmit a report from the Secretary of State relating to affairs in Samoa.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 5, 1889.*

To the Congress:

I transmit herewith, for approval and ratification, a provisional agreement lately entered into between the Government of the United States and the Creek Nation of Indians, through their duly authorized representatives, and which has been approved by the National Council of said nation, by which agreement the title and interest of the said Creek Nation of Indians in and to all lands in the Indian Territory or elsewhere, except such as are held and occupied as the homes of said nation, are ceded to the United States.

The eighth section of the Indian appropriation bill approved March 3, 1885, authorized the President "to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in the Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866." This section also contains an appropriation in furtherance of its purpose, and requires that the action of the President thereunder should be reported to Congress.

The "unassigned" lands thus referred to should be construed to be those which have not been transferred by the United States in pursuance of the treaties mentioned in the section quoted.

The treaty with the Creeks is dated June 14, 1866. It was confirmed by a Senate resolution passed July 19, 1866, and was proclaimed August 11, 1866 (14 U. S. Statutes at Large, p. 785).

The third article of the treaty makes a cession of lands in the following words:

> In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south; the eastern half of said Creek lands, being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation; and in consideration of said cession of the west half of their lands, estimated to contain 3,250,560 acres, the United States agree to pay the sum of 30 cents per acre, amounting to $975,168.

The provision that the lands conveyed were "*to be sold to* and used as homes for such other civilized Indians," etc., has been steadily regarded as a limitation upon the grant made to the United States. Such a construction is admitted to be the true one in many ways, especially by the continual reservation of the ceded lands from settlement by the whites, by the sale of a portion of the same to Indians, by the use of other portions as the home of Indians, and also by various provisions in proposed legislation in Congress. Thus the bill now pending for the organization of Oklahoma provides for the payment to the Creeks and Seminoles of the ordinary Government price of $1.25 per acre, less the amount heretofore paid.

The section of the law of 1885 first above quoted appears also to have been passed in contemplation not only of the existence of a claim on the part of the Creeks, but of the substantial foundation of that claim in equity, if not in law, and in acknowledgment of the duty of the Government to satisfactorily discharge the claim of the Indian people before putting the land to the free uses of settlement and territorial occupation by whites.

But it seems to have been considered that so far as the lands had been assigned they may fairly be taken to be such as under the treaty were "to be sold." As to these, they having been assigned or "sold" in accordance with said treaty, the claim of the Creeks thereto has been entirely discharged, and the title from the United States passed unburdened with any condition or limitation to the grantees. This seems to be an entirely clear proposition.

The unassigned lands must be those which are unsold, because not only is that the fair significance of the term, as used technically in conveyancing, but because the limiting condition in the Creek treaty was that the lands should be sold to, as well as used as homes for, other Indians.

	Acres.	Acres.
The total quantity of lands in the western half of the Creek Nation, and which were ceded in 1866, is		3,402,428.88
The assigned lands as above defined are in three bodies:		
1. The Seminole country, by the treaty of 1866	200,000.00	
2. The Sac and Fox Reservation, sold and conveyed by article 6 of the treaty of February 18, 1867 (15 U. S. Statutes at Large, p. 495), amounting to	479,668.05	
3. The Pawnee Reservation, granted by section 4 of the act of Congress of April 10, 1876 (19 U. S. Statutes at Large, p. 29), for which the Government received the price allowed the Creeks, 30 cents per acre	53,005.94	
Making a total of assigned or sold lands of		732,673.99
And leaving as the total unassigned lands		2,669,754.89

Of this total quantity of unassigned land which is subject to the negotiations provided for under the law of 1885 there should be a further division made in considering the sum which ought fairly to be paid in discharge of the Creek claim thereto.

I. In that part of these lands called the Oklahoma country no Indians have been allowed to reside by any action of the Government, nor has any execution been attempted of the limiting condition of the cession of 1866.

The quantity of these lands carefully computed from the surveys is 1,392,704.70 acres.

II. The remainder of these unassigned lands has been appropriated in some degree to Indian uses, although still within the control of the Government.

Thus by three Executive orders the following Indian reservations have been created:

	Acres.	Acres.
1. By President Grant, August 10, 1869, the reservation of the Cheyennes and Arapahoes, which embraces of this land		619,450.59
2. By President Arthur, August 15, 1883, the reservation for the Iowas, containing		228,417.67
3. By President Arthur, August 15, 1883, the Kickapoo Reservation, embracing		206,465.61
4. A tract set apart for the Pottawatomies by the treaty of February 27, 1867 (15 U. S. Statutes at Large, p. 531), followed by the act of May 23, 1872 (17 U. S. Statutes at Large, p. 159), by which individual allotments were authorized upon the tract, though but very few Indians have selected and paid for such allotments according to the provisions of that law. The entire quantity of the Pottawatomie Reservation is		222,716.32
This shows the quantity of lands unassigned, but to some extent appropriated to Indian uses by the Government, amounting to		1,277,050.19

For the lands which are not only unassigned, but are unoccupied, and which have been in no way appropriated, it appears clearly just and right that a price of at least $1.25 should be allowed to the Creeks. They held more than the ordinary Indian title, for they had a patent in fee from the Government. The Osages of Kansas were allowed $1.25 per acre upon giving up their reservation, and this land of the Creeks is reported by those familiar with it to be equal to any land in the country. Without regard to the present enhanced value of this land, and if reference be only had to the conditions when the cession was made, no

less price ought to be paid for it than the ordinary Government price. Therefore in this provisional agreement which has been made with the Creeks the price of $1.25 has been settled upon for such land, with the deduction of the 30 cents per acre which has already been paid by the Government therefor.

As to the remainder of the unassigned lands, in view of the fact that some use has been made of them of the general character indicated by the treaty of 1866, and because some portion of them should be allotted to Indians under the general allotment act, and to cover the expenses of surveys and adjustments, a diminishment of 20 cents per acre has been acceded to. There is no difference in the character of the lands.

Thus, computing the unassigned and entirely unappropriated land, being the Oklahoma country, containing 1,392,704.70 acres, at 95 cents per acre, and the remainder which has been appropriated to the extent above stated, being 1,277,050.19 acres, at 75 cents per acre, the total price stipulated in the agreement has been reached—$2,280,857.10.

But as it was desirable that the Indian title should be beyond all question extinguished to all parts of the land ceded by the Creeks in 1866, with their full consent and understanding, the agreement of cession has been made to embrace a complete surrender of all claim to the western half of their domain, including the assigned as well as the unassigned lands, for the price named. So the agreement takes the form in the first article of such a cession, and in the second article is stipulated the price in gross of all the lands and interests ceded, with no detailed reference to the manner of its ascertainment.

The overtures which led to this agreement were made by representatives of the Creek Nation, who came here for that purpose. They were intelligent and evidently loyal to the interests of their people. The terms of the agreement were fully discussed and concessions were made by both parties. It was promptly confirmed by the National Council of the Creek Indians, and its complete consummation only waits the approval of the Congress of the United States.

I am convinced that such ratification will be of decided benefit to the Government, and that the agreement is entirely free from any suspicion of unfairness or injustice toward the Indians.

I desire to call especial attention to the fact that to become effective the agreement must be ratified by the Congress prior to the 1st day of July, 1889.

The draft of an act of ratification is herewith submitted.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 8, 1889.*

To the Senate and House of Representatives:

I transmit herewith a further report of the Secretary of State, with accompanying correspondence, relating to Samoa, and the joint protocols

of the conferences held in this city in the summer of 1887, to the publication of which the Governments of Germany and Great Britain have consented.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *February 8, 1889.*

In response to the resolution of the Senate of the 23d ultimo, directing the Secretary of State to transmit to that body copies of all correspondence on the files of his Department relative to the case of the ship *Bridgewater*, I transmit herewith, being of the opinion that it is not incompatible with the public interest to do so, a report from the Secretary of State, accompanying which is the correspondence referred to.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *February 12, 1889.*

I herewith transmit, in reply to the resolution of the Senate of the 2d ultimo, a report from the Secretary of State, with the accompanying documents, in relation to the seal fisheries in Bering Sea.

GROVER CLEVELAND.

To the Congress:

EXECUTIVE MANSION, *February 19, 1889.*

I herewith submit, for your consideration, a communication from the Secretary of the Interior, transmitting a proposition made on behalf of the Seminole Nation of Indians for the relinquishment to the Government of the United States of their right to certain lands in the Indian Territory.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 19, 1889.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 18th instant, I return herewith the bill (S. 3640) entitled "An act to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia."

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 20, 1889.*

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State of this day's date, with accompanying correspondence, touching the case of Lord Sackville.*

GROVER CLEVELAND.

*The British minister at Washington, who was given his passports for writing an indiscreet letter on American politics.

EXECUTIVE MANSION,
Washington, February 22, 1889.

To the Senate:

I transmit herewith, with a view to its ratification, a convention signed on the 2d day of June, 1887, between the United States and the Netherlands, for the extradition of criminals; also a report from the Secretary of State, and accompanying papers, relating to the said convention.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 27, 1889.

To the Senate:

I herewith transmit, for the consideration of the Senate with a view to its ratification, a convention signed at Washington the 18th instant, between the United States and Mexico, to revive the provisions of the convention of July 29, 1882, to survey and relocate the existing boundary line between the two countries west of the Rio Grande, and to extend the time fixed in Article VIII of the said convention for the completion of the work in question.

Although the present convention fully explains the reasons for its negotiation, it may not be improper here to add that Article VII of the convention of July 29, 1882, stipulated that the said convention should continue in force until the completion of the work, "provided that such time does not exceed four years and four months from the date of the exchange of ratifications hereof."

The exchange of ratifications took place March 3, 1883, and the period within which the convention was in force ended July 3, 1887.

In order, therefore, to continue the provisions of the said convention of July 29, 1882, an additional article concluded at Washington December 5, 1885, further extended the time for the completion of the work for "eighteen months from the expiration of the term fixed in Article VIII of the said treaty of July 29, 1882," or until January 3, 1889.

As there was no further provision extending the said treaty of July 29, 1882, beyond that date, it expired by limitation. Hence the necessity for the convention of the 18th instant in its present form.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 27, 1889.

To the Senate:

I transmit herewith, in confidence, for the information of the Senate, a report from the Secretary of State, showing the progress of the correspondence in relation to the conference to be held at Berlin between the Governments of the United States, Germany, and Great Britain to settle the affairs of the Samoan Islands.

The nature of this information and the stage of the negotiations thus

agreed upon and about to commence at Berlin make it proper that such report should be communicated to the Senate in the confidence of executive session.

As the conference has been proposed and accepted and the definitive bases of its proceedings agreed upon by all three Governments and on the lines with which the Senate has heretofore been made fully acquainted, nothing remains to be done but to select and appoint the commissioners to represent the United States, and the performance of this duty, in view of the few days that now remain of my term of office, can be most properly left to my successor.

In response to the inquiry of the German minister at this capital whether the names of the proposed representatives of the United States at the conference in Berlin could at once be given to him, he has been informed that the appointments in question would be made by my successor and not by me, and that in coming to this decision the expedition desired by Germany in the work of the conference would in my judgment be promoted.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 27, 1889.

To the Senate:

I transmit, with a view to its ratification, a convention for the extradition of criminals, signed by the plenipotentiaries of the United States and Russia on the 28th day of March, 1887, also a report from the Secretary of State and accompanying papers relating to the negotiations which terminated in the conclusion of the treaty in question.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 27, 1889.

To the Senate:

I herewith transmit a report of the Secretary of State and accompanying documents, relative to a naturalization treaty between the United States and Turkey signed the 11th day of August, 1874, as to the proclamation of which the advice of the Senate is desired. The advice and consent of the Senate were given to the ratification of the convention on the 22d of January, 1875, but with certain amendments which were not fully accepted by the Ottoman Porte. Because of such nonacceptance the treaty has never been proclaimed. Finally the Turkish Government, after the passage of fourteen years, has accepted the amendments as tendered. But in view of the long period that has elapsed since the Senate formerly considered the treaty I have deemed it wiser that before proclaiming it the Senate should have an opportunity to act upon the matter again, my own views being wholly favorable to the proclamation.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 27, 1889.

To the House of Representatives:

I transmit herewith, in response to the resolution of the House of Representatives of the 21st of December last, a report of the Secretary of State and accompanying documents, touching affairs in Madagascar.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 28, 1889.*

To the Senate of the United States:

I have the honor to transmit herewith a report of the Secretary of State, concerning the expenses of the representation of the United States at the Brussels Exhibition of 1888.

GROVER CLEVELAND.

[The same message was sent to the House of Representatives.]

EXECUTIVE MANSION, *February 28, 1889.*

To the Senate of the United States:

I have the honor to transmit herewith a report of the Secretary of State, respecting the representation of the United States at the Barcelona Exposition of 1888.

GROVER CLEVELAND.

[The same message was sent to the House of Representatives.]

EXECUTIVE MANSION, *March 2, 1889.*

To the Congress:

I herewith transmit the fifth report of the Civil Service Commission, covering the year which ended June 30, 1888.

The cause of civil-service reform, which in a great degree is intrusted to the Commission, I regard as so firmly established and its value so fully demonstrated that I should deem it more gratifying than useful if at this late day in the session of Congress I was permitted to enlarge upon its importance and present condition.

A perusal of the report herewith submitted will furnish information of the progress which has been made during the year to which it relates in the extension of the operations of this reform and in the improvement of its methods and rules.

It is cause for congratulation that watchfulness and care and fidelity to its purposes are all that are necessary to insure to the Government and our people all the benefits which its inauguration promised.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 2, 1889.

To the Senate of the United States:

I transmit herewith, for the consideration of the Senate with a view of giving its advice and consent to the ratification thereof, a convention signed in Washington on March 1, 1889, by duly authorized representatives of the United States and Mexico, providing for the institution of an international commission to determine questions between the United States and Mexico arising under the convention of November 12, 1884, by reason of changes in the river bed of the Rio Grande and the Colorado River when forming the boundary between the two countries.

A report of the Secretary of State, with the accompanying correspondence therein described, is also communicated for the information of the Senate.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1889.*

To the Senate and House of Representatives:

I herewith transmit a report of the Secretary of State and accompanying documents, relative to the undetermined boundary line between Alaska and British Columbia.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1889.*

To the House of Representatives:

I herewith transmit a report from the Secretary of State, in further response to the resolution of the House of Representatives of the 22d [21st] of December last, touching affairs in Madagascar.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1889.*

To the Senate:

I herewith transmit, for the information of Congress, a report from the Secretary of State, with its accompanying correspondence, in regard to the construction of certain dams or wing facings in the Rio Grande at Paso del Norte (Ciudad Juarez), opposite the city of El Paso, Tex.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1889.*

To the Senate of the United States:

I have the honor to transmit herewith a communication from the Secretary of State, covering the report of the commissioner of the United States to the Brussels Exhibition of 1888.

GROVER CLEVELAND.

VETO MESSAGES.

EXECUTIVE MANSION, *December 19, 1888.*

To the House of Representatives:

I return without approval House bill No. 5080, entitled "An act for the relief of C. B. Wilson."

This bill directs the Postmaster-General to credit to the beneficiary therein named, who is the postmaster at Buena Vista, in the State of Colorado, the sum of $225, being post-office funds forwarded by him to the deposit office at Denver, but which were lost in transmission.

A general law was passed on the 9th day of May, 1888, authorizing the Postmaster-General to make allowances and credits to postmasters in precisely such cases.

On the 8th day of September, 1888, under the sanction of that law, the credit directed by this bill was made.

It is plain, therefore, that the bill herewith returned ought not to become a law unless it is proposed to duplicate the credit therein mentioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 16, 1889.*

To the House of Representatives:

I return without approval House bill No. 8469, entitled "An act for the relief of Michael Pigott."

This bill appropriates the sum of $48 to the beneficiary therein named, formerly the postmaster at Quincy, Ill., which was paid by him for the use of a telephone for the year ending June 30, 1873.

There is evidently a mistake made in the statement of the period covered by the use of this telephone, for the official term of the beneficiary extended from May 16, 1881, to June 18, 1885.

Assuming, however, that it was intended to describe the period ending June 30, 1883, it appears that the use of a telephone during that time was wholly unauthorized by the Post-Office Department, and that the only authority given for any expenditure for that purpose covered the period of one year from the 1st day of January, 1884.

The following letter, dated July 16, 1884, was sent to the beneficiary from the salary and allowance division of the Post-Office Department:

> In reply to your letter relative to amounts disallowed for use of telephone for your office, you are informed that the said expenditures were made without the authority of this office, and it is therefore deemed advisable not to approve the same.
>
> Your authority for a telephone was for one year beginning January 1, 1884. At the expiration of the time named, if you desire to continue the telephone service, you should make application to the First Assistant Postmaster-General for a renewal of the same.

The multitude of claims of the same kind which the legislation proposed would breed and encourage, and the absolute necessity, in the interest of good administration, of limiting all public officers to authorized expenditures, constrain me to withhold my approval from this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 16, 1889.*

To the House of Representatives:

I return without approval House bill No. 7, entitled "An act granting a pension to Thomas B. Walsh."

This beneficiary enlisted January 1, 1864, and was discharged August 1, 1865.

He is reported absent without leave in April, 1864, and further recorded as having deserted November 24, 1864. He was restored to duty in May, 1865, by the President's proclamation.

He filed an application for pension in December, 1881, alleging that he contracted rheumatism in May, 1865.

This statement of the claimant and nearly, if not all, the evidence in the case which tends to show the incurrence of the disability complained of appear to fix its appearance at a date very near the return of the beneficiary after his desertion.

In these circumstances the proof of disability, such as it is, is as consistent with its incurrence during desertion as it is with the theory that the beneficiary suffered therefrom as the result of honorable military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 16, 1889.*

To the House of Representatives:

I return without approval House bill No. 2236, entitled "An act granting a pension to Eli. J. Yamgheim."

The beneficiary named in this bill filed an application for pension in the Pension Bureau April 15, 1875, basing his claim upon an alleged wound of his left leg from a spent ball about October 15, 1861.

There is no record of his incurring any wound or injury during his service, and it does not appear that the company to which he belonged was in action nearer to the date he specifies than September 17, 1861, and his captain testifies that the beneficiary was not injured in the engagement of that day, which lasted only about fifteen minutes.

The proof taken in the case establishes that before enlistment the beneficiary had a sore on his leg which was quite troublesome, which suppurated, and after healing would break out again.

In the medical examinations made during the pendency of the claim

the diseased leg was always found, but no mention is made of any other injury and no other injury seems to have been discoverable.

I can not avoid the conviction upon the facts presented that whatever disability has existed since the discharge of the beneficiary arose from causes which were present before enlistment, and that the same is not chargeable to his military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 16, 1889.*

To the House of Representatives:

I return without approval House bill No. 4887, entitled "An act granting a pension to Charles E. Scott."

This beneficiary entered the volunteer service nearly at the close of the War of the Rebellion and served from the 8th day of March, 1865, to July 24, in the same year, a period of four months and sixteen days.

He filed a claim for pension in 1884, alleging that he incurred camp itch in July, 1865, which resulted in partial blindness.

Upon the proof presented, and after examination, the claim was rejected upon the ground that it did not appear that the impairment of his vision was the result of any incident of his army service.

I am entirely satisfied that this was a correct disposition of the case, and that upon the same ground the bill herewith returned should not be approved.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 17, 1889.*

To the Senate:

I return without approval Senate bill No. 3646, entitled "An act for the relief of William R. Wheaton and Charles H. Chamberlain, of California."

These parties were, respectively, for a number of years prior to 1879, the register and receiver of the land office at San Francisco, in the State of California.

Prior to July, 1877, they had collected and retained, apparently without question, certain fees allowed by law for reducing to writing the testimony heard by them in establishing the rights of claimants to public lands.

On the 9th day of July, 1877, these officials were notified by the Acting Commissioner of the General Land Office that monthly thereafter, and dating from July 1, 1877, such fees should be reported with other fees to the General Land Office.

This notification furnished clear information that, whatever may have been the justification for their retention of these fees in the past, the parties notified must thereafter account to the Government for the same.

On the 8th day of February, 1879, the beneficiaries were peremptorily required by the Commissioner of the General Land Office to deposit in

the Treasury of the United States the sums which they had received for the services mentioned since July 1, 1877, and which, though reported, had not been paid over. Soon thereafter, and pursuant to this demand, the sum of $5,330.76, being the aggregate of such fees for the nineteen months between July 1, 1877, and February 1, 1879, was paid over to the Government.

On the 19th day of February, 1879, these officers were authorized to employ two clerks, each upon a salary of $100 per month.

The purpose of the bill now under consideration is to restore to the beneficiaries from the money paid over to the Government, as above stated, the sum of $3,800. This is proposed upon the theory that clerks were employed by the register and receiver to do the work for which the fees were received, and that these officials having paid them for their services they should be reimbursed from the fund.

It will be observed that whatever services were performed by clerks in the way of writing down testimony, and paid for by the beneficiaries, were performed and paid for after July, 1877, and after they had in effect received notice that such employment and payment would not be approved by the Government.

Upon this statement the claim covered by the bill can hardly be urged on legal grounds, whatever the Government may have allowed prior to such notice.

I am decidedly of the opinion that the relations, the duties, and the obligations of subordinates in public employment should be clearly defined and strictly limited. They should not be permitted to judge of the propriety or necessity of incurring expenses on behalf of the Government without authority, much less in disregard of orders. And yet there are cases when in an emergency money is paid for the benefit of the public service by an official which, though not strictly authorized, ought in equity to be reimbursed.

If there is any equity existing in favor of the beneficiaries named in the bill herewith returned, it is found in the fact that during the nineteen months from the 1st day of July, 1877, to the 1st day of February, 1879, they paid out certain moneys for which the Government, in the receipt of the fees which they paid over, received the benefit. Manifestly such equity in this case, if it can be claimed at all in view of the facts recited, is measured by the sum actually paid by these officials to the persons, if such there were, who did the work from which the fees arose which were paid over to the Government.

In other words, if certain clerks were paid by the beneficiaries from their private funds for doing this work, there should be a distinct statement of the sum so paid, and their claim should rest upon indemnity and reimbursement alone. But no such statement appears, so far as I can see from an examination of papers presented to me by the Interior Department and from the report of the Senate committee who reported

this bill, except as it may be gathered from the rather indirect allegations contained in a paper prepared by counsel.

No vouchers have ever been received at the General Land Office for money paid for clerical services rendered during the period for which reimbursement is sought. The verified statement of the claimants annexed to the committee's report contains only the allegation that they paid for the necessary clerical services, and the affidavits of the clerks themselves furnish no clew to the amount they received. Such an omission, in my opinion, discredits the claim made, and the allowance of the sum of $100 per month for two clerks during the period of nineteen months covered by this claim, because that was the sum authorized to be paid thereafter for clerks' services, is, it seems to me, adopting a standard entirely inapplicable to the subject.

In any event these beneficiaries should be required to establish the sum necessary for such indemnification, and the amount appropriated for their relief should be limited to that sum.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 18, 1889.*

To the House of Representatives:

I return without approval House bill No. 9173, entitled "An act granting a pension to Mary J. Drake."

It is proposed by this bill to pension the beneficiary therein named as the widow of Newton E. Drake, who served as a soldier from August 1, 1863, to January 18, 1865.

The records do not show that he suffered from any disability during his term of service.

He filed an application for pension September 23, 1879, claiming that he contracted rheumatism about October, 1864.

He died June 7, 1881, and there does not appear to have been any evidence produced as to the cause of his death or establishing, except by the allegations of his own application, that he contracted any disease or disability in the service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 18, 1889.*

To the House of Representatives:

I return without approval House bill No. 9791, entitled "An act for the relief of Charles W. Geddes."

This bill directs the Secretary of the Interior to include the name of the beneficiary mentioned, late assistant engineer in the United States Navy, among those who served in the Mexican War, and issue to him a land warrant for his services as assistant engineer on the United States steamer *General Taylor* during said war.

On an application made by this beneficiary for bounty land under general laws the Secretary of the Navy reported that the vessel to which he was attached was not considered as having been engaged in the war with Mexico, and thereupon his application was rejected. Upon appeal to the Secretary of the Interior he states the settled doctrine of such cases to be that "service must have been *in*, not simply *during*, a war to give title to bounty land."

The only claim made by the beneficiary is that the vessel upon which he was employed was engaged for a time in transporting seamen from New Orleans, where they were enlisted, to Pensacola, and that he was informed and believed that they were enlisted to serve on board vessels composing the Gulf Squadron, then cooperating with the land forces in the Mexican War.

It seems to me that it is establishing a bad precedent, tending to the breaking down of all distinctions between civil and military employment and service, to hold that a man engaged on a vessel transporting recruits to a rendezvous from which they may be sent to the scene of hostilities should be allowed the same advantages which are bestowed upon those actually engaged in or more directly related to the dangers and chances of military operations.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 18, 1889.*

To the House of Representatives:

I return without approval House bill No. 9252, entitled "An act granting a pension to Mrs. Catherine Barberick, of Watertown."

The beneficiary named in this bill is the mother of William Barberick, who enlisted February 19, 1862, and died of smallpox August 2, 1864, at his home while on veteran furlough.

It is not claimed that the soldier contracted the fatal disease while in the Army. On the contrary, the testimony taken upon his mother's application for pension to the Pension Bureau shows that he was taken sick after his arrival at his home on furlough, and that several of his family had died of the contagious disease to which he fell a victim before he was taken sick with it.

In these circumstances, unless there is to be a complete departure from the principle that pensions are to be granted for death or disability in some way related to the military service, this bill should not become a law.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 18, 1889.*

To the House of Representatives:

I return without approval House bill No. 7877, entitled "An act to place Mary Karstetter on the pension roll."

The beneficiary named in this bill is the widow of Jacob Karstetter, who enlisted in June, 1864, and was discharged in June, 1865, on account of a wound in his left hand received in action. He died in August, 1874, of gastritis, or inflammation of the stomach, and congestion of the liver. He was granted a pension for his gunshot wound and was in receipt of such pension at the time of his death.

I was constrained to return without approval a bill identical with the one herewith returned, and which was passed by the last Congress, and stated my objections to the same in a communication addressed to the House of Representatives, dated July 6, 1886.*

It seemed to me at that time that the soldier's death could not be held to be the result of his wound or any other cause chargeable to his military service.

Upon reexamination I am still of the same opinion, which leads me to again return the bill under consideration without approval.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 18, 1889.*

To the House of Representatives:

I return without approval House bill No. 9296, entitled "An act granting a pension to Bridget Carroll."

This bill proposes to pension the beneficiary therein named as the dependent mother of Patrick Carroll, who was enrolled as a sergeant in the Regular Army in 1881, this being, as it is stated, his second term of enlistment.

In September, 1886, being absent from his command at Fort Warren, Mass., he was drowned while sailing in a small boat with two companions.

The beneficiary is aged and in need of assistance, but there is no pretense that the soldier's death was in the least degree related to his military service.

I am sure no one could fail to be gratified by an opportunity to join in according aid to this dependent old mother of a faithful soldier, but I can not believe that such a departure as is proposed should be made from the just principles upon which pension legislation ought to be predicated.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 18, 1889.*

To the House of Representatives:

I return without approval House bill No. 9175, entitled "An act granting a pension to George Wallen."

*See pp. 5054-5055.

The beneficiary named in this bill filed an application for pension in June, 1873, alleging as his disability a fracture of his right arm.

In a subsequent affidavit filed in 1883 he alleged deafness, which appears to be the disability upon which the special act proposed for his relief is based.

The records establish that he enlisted July 27, 1861, that he deserted April 25, 1862, and returned February 20, 1863, after an absence of about ten months, and that he deserted again April 30, 1864, and returned prior to August 31, 1864. I am informed that his record shows two enlistments and desertion during each. He was discharged December 31, 1864.

An application to remove the charge of desertion against him was denied.

Without especially discussing the question of disability chargeable to military service, it seems to me that a soldier with such a record should not be pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 31, 1889.*

To the Senate:

I return without approval Senate bill No. 3264, entitled "An act granting a pension to Mrs. Ellen Hand."

The husband of the beneficiary named in this bill enlisted August 22, 1862, and was mustered out with his company July 10, 1865.

He filed a claim for pension in 1881, sixteen years after his discharge, alleging that he contracted rheumatism about December, 1862.

He died in February, 1883, the cause of death being, as then certified, typhoid fever.

His claim for pension on account of rheumatism seems to have been favorably determined after his death, for it was made payable to his widow and was allowed from the time of filing his petition to February 25, 1883, the day of his death.

The facts of the case as now presented appear to me to lead in the most satisfactory manner to the conclusion that the soldier's death was in no way related to any incident of his military service.

GROVER CLEVELAND

EXECUTIVE MANSION, *February 12, 1889.*

To the House of Representatives:

I return without approval House bill No. 9163, entitled "An act granting a pension to Eli Garrett."

This beneficiary enlisted in the Confederate Army December 1, 1862. He was captured by the United States forces on the 26th of November, 1863, and enlisted in the Union Navy January 22, 1864.

He was discharged from the Navy for disability September 8, 1864, upon the certificate of a naval surgeon, which states that he had valvular cardiac disease (disease of the heart), and that there was no evidence that it originated in the line of duty.

His claim for pension was rejected in 1882 upon the ground that the act which permits pensions to Confederate soldiers who joined the Union Army did not extend to such soldiers who enlisted in the Navy.

I can see no reason why such a distinction should exist, and the recommendation of the Commissioner of Pensions, made in 1887, that this discrimination be removed should be adopted by the enactment of a law for that purpose.

In this case, however, I am unable to discover any evidence that the trouble with which this beneficiary appears to be afflicted is related to his naval service which should overcome the plain statement of the surgeon upon whose certificate he was discharged to the effect that there was no evidence that his disability originated in the line of naval duty.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 12, 1889.*

To the House of Representatives:

I return without approval House bill No. 11052, entitled "An act granting a pension to Clara M. Owen."

The husband of this beneficiary was pensioned for a gunshot wound in the left chest and lung, received in action on the 30th day of September, 1864.

He was drowned August 31, 1884.

It appears that he was found in a stream where he frequently bathed, in a depth of water variously given from 5 to 8 feet. He had undressed and apparently gone into the water as usual.

Medical opinions are produced tending to show that drowning was not the cause of death.

No *post mortem* examination was had, and it seems to me it must be conceded that a conclusion that death was in any degree the result of wounds received in military service rests upon the most unsatisfactory conjecture.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 12, 1889.*

To the House of Representatives:

I return without approval House bill No. 5752, entitled "An act for the relief of Julia Triggs."

This beneficiary filed an application for pension in 1882, claiming that her son, William Triggs, died in 1875 from the effects of poison taken during his military service in water which had been poisoned by the rebels and in food eaten in rebel houses, which had also been poisoned.

He was discharged from the Army with his company July 24, 1865, after a service of more than four years.

The cause of his death is reported to have been an abscess of the lung.

The case was specially examined, and the evidence elicited to support the claim of poisoning appears to have been anything but satisfactory.

The mother herself testified that her son was absent from Chicago, where she lived, and in the South from 1868 to 1869, and that he was in Indiana from 1869 to 1874.

The claim was rejected on the 12th day of February, 1887, on the ground that evidence could not be obtained upon special examination showing that the soldier's death was due to any disability contracted in the military service.

While I am unable to see how any other conclusion could have been reached upon the facts in this case, there is reason to believe that a favorable determination upon its merits would be of no avail, since, on the 17th day of April, 1888, a letter was filed in the Pension Office from a citizen of Chicago in which it is stated that the beneficiary named in this bill died on the 27th day of February, 1888, and an application is therein made on behalf of her daughter for reimbursement of money expended for her mother in her last illness and for her burial.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 13, 1889.*

To the Senate:

I return without approval Senate bill No. 2514, entitled "An act granting a pension to Michael Shong."

It appears that the beneficiary named in this bill, under the name of John M. Johns, enlisted in Company I, Fourteenth New York Volunteers, on the 17th day of May, 1861, and was discharged May 24, 1863.

In November, 1876, more than thirteen years after his discharge, under the same name of John M. Johns, he filed an application for pension, alleging a fever sore on his right leg contracted July 1, 1862, which resulted in the loss of the leg.

His claim was rejected in November, 1882, after a thorough special examination, on the ground that the disease of the leg resulting in amputation was contracted after the soldier's discharge from the service.

The leg was amputated in February, 1865.

While there is some evidence tending to show lameness in the service and following discharge, and while one witness swears to lameness and fever sores in the service, evidence was also produced showing that the soldier returned home from the Army in good physical condition and that the disease of his leg first manifested itself in the latter part of 1864.

It will be observed that he served in the Army nearly a year after it is alleged he contracted his disability, and that though his leg was amputated in February, 1865, he did not apply for a pension until 1876.

Moreover, the surgeon who amputated his leg testified that the soldier and his parents stated that he came out of the Army without a scratch; that on New Year's night in 1865 he became very warm at a dance; that he went outdoors and was taken with a chill and pain in his side, which subsequently settled in the leg and caused a gangrenous condition, and that upon amputating the leg the artery below the knee was found plugged by a blood clot, which caused the diseased condition of the leg and foot.

This testimony and the other facts established and the presumptions arising therefrom clearly indicate, in my opinion, that the claim made for a pension by this beneficiary is without merit.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 13, 1889.*

To the Senate:

I return without approval Senate bill No. 3451, entitled "An act granting a pension to Frank D. Worcester."

The beneficiary named in this bill served in the Volunteer Army from February 4, 1863, to January 27, 1864, a period of less than one year, when he was discharged upon the certificate of a surgeon, alleging as his disability "manifest mental imbecility and incontinence of urine. Disease originated previous to enlistment."

In 1880, sixteen years after his discharge, a claim for pension was filed in his behalf by his father as his guardian, in which it was alleged that his mind, naturally not strong, became diseased in the Army by reason of excitement and exposure.

He was adjudged insane in 1872 and sent to an insane hospital, where he remained about six years, when he was discharged as a harmless incurable. His mental condition has remained about the same since that time.

Upon the declared inability to furnish testimony to rebut the record of mental disease prior to enlistment, the claim for pension was rejected in 1883.

In 1887 the case was reopened and a thorough examination was made as to soundness prior to enlistment and the origin and continuance of mental unsoundness.

Upon this examination evidence was taken showing that he was deficient intellectually when he joined the Army; that he was stationed where he was not much exposed, and that his duties were comparatively light; that he never was considered a boy of solid intelligence, and that he had epileptiform seizures prior to enlistment.

On the other hand, no disinterested and unbiased evidence was secured tending to rebut these conditions.

The claim was thereupon again rejected. This was a proper disposition of the case unless the Government is held liable for every disability which may afflict those who served in the Union Army.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *February 14, 1889.*

I return without approval Senate bill No. 2665, entitled "An act granting a pension to Charles J. Esty."

A bill in precisely the same words as the bill herewith returned was approved on the 8th day of July, 1886, and under its provisions the beneficiary is now upon the pension rolls.

It is supposed that the bill now under consideration was passed by the Congress in ignorance of the previous statute. A duplication of the act would manifestly be entirely useless.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 21, 1889.*

To the House of Representatives:

I herewith return without approval House bill No. 1368, entitled "An act to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes."

This bill is to all intents and purposes identical with Senate bill No. 150, passed in the first session of the Forty-ninth Congress, which failed to receive Executive approval. My objections to that bill are set forth in a message transmitted to the Senate on the 11th day of March, 1886.* They are all applicable to the bill herewith returned, and a careful reexamination of the matters embraced in this proposed legislation has further satisfied me of their validity and strength.

The trouble proposed to be cured by this bill grew out of the indefiniteness and consequent contradictory construction by the officers of the Government of a grant of land made in 1846 by Congress to the State of Iowa (then a Territory) for the purpose of aiding in the improvement of the Des Moines River. This grant was accepted on the 9th day of January, 1847, by the State of Iowa, as required by the act of Congress, and soon thereafter the question arose whether the lands granted were limited to those which adjoined the river in its course northwesterly from the southerly line of the State to a point called the Raccoon Fork, or whether such grant covered lands so adjoining the river through its entire course through the Territory, and both below and above the Raccoon Fork.

The Acting Commissioner of the General Land Office, on the 17th day of October, 1846, instructed the officers of the land office in Iowa that the grant extended only to the Raccoon Fork.

On the 23d day of February, 1848, the Commissioner of the General Land Office held that the grant extended along the entire course of the river.

Notwithstanding this opinion, the President, in June, 1848, proclaimed

* See pp. 4996–4998.

the lands upon the river above the Raccoon Fork to be open for sale and settlement under the land laws, and about 25,000 acres were sold to and preempted by settlers under said proclamation.

In 1849, and before the organization of the Department of the Interior, the Secretary of the Treasury decided, upon a protest against opening said lands for sale and settlement, that the grant extended along the entire course of the river.

Pursuant to this decision, and on the 1st day of June, 1849, the Commissioner of the General Land Office directed the reservation or the withholding from sale of all lands on the odd-numbered sections along the Des Moines River above the Raccoon Fork.

This reservation from entry and sale under the general land laws seems to have continued until a deed of the lands so reserved was made by the State of Iowa and until the said deed was supplemented and confirmed by the action of the Congress in 1861 and 1862.

In April, 1850, the Secretary of the Interior, that Department having then been created, determined that the grant extended no farther than the Raccoon Fork; but in view of the fact that Congress was in session and might take steps in the matter, the Commissioner of the General Land Office expressly continued the reservation.

In October, 1851, another Secretary of the Interior, while expressing the opinion that the grant only extended to the Raccoon Fork, declared that he would approve the selections made by the State of Iowa of lands above that point, "leaving the question as to the construction of the statute entirely open to the action of the judiciary."

In this condition of affairs selections were made by Iowa of a large quantity of land lying above the Raccoon Fork, which selections were approved and the land certified to the State. In the meantime the State had entered upon the improvement of the river and it appears had disposed of some of the land in furtherance of said improvement. But in 1854 the State of Iowa made a contract with the Des Moines Navigation and Railroad Company for the continuance of said work at a cost of $1,300,000, the State agreeing in payment thereof to convey to the company all the land which had been or should thereafter be certified to the State of Iowa under the grant of 1846.

In November, 1856, further certification of lands above the Raccoon Fork under the grant to the State of Iowa was refused by the Interior Department. This led to a dispute and settlement between the State of Iowa and the Des Moines Navigation and Railroad Company, by which the State conveyed by deed to said company—

All lands granted by an act of Congress approved August 8, 1846, to the then Territory of Iowa to aid in the improvement of the Des Moines River which have been approved and certified to the State of Iowa by the General Government, saving and excepting all lands sold and conveyed, or agreed to be sold and conveyed, by the State, by its officers and agents, prior to the 23d day of December, 1853, under said grant.

This exception was declared in the deed to cover the lands above the Raccoon Fork disposed of to settlers by the Government in 1848 under the proclamation of the President opening said lands to sale and settlement, which has been referred to; and it is conceded that neither these lands nor the rights of any settlers thereto are affected by the terms of the bill now under consideration.

The amount of land embraced in this deed located above the Raccoon Fork appears to be more than 271,000 acres.

It is alleged that the company in winding up its affairs distributed this land among the parties interested, and that said land, or a large part of it, has been sold to numerous parties now claiming the same under titles derived from said company.

In December, 1859, the Supreme Court of the United States decided that the grant to the Territory of Iowa under the law of 1846 conveyed no land above the Raccoon Fork, and that all selections and certifications of lands above that point were unauthorized and void, and passed no title or interest in said lands to the State of Iowa. In other words, it was determined that these lands were, in the language of the bill under consideration, "improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846."

This adjudication would seem to conclusively determine that the title to these lands was, as the law then stood, and notwithstanding all that had taken place, still in the United States. And for the purpose of granting all claim or right of the Government to said lands for the benefit of the grantees of the State of Iowa, Congress, on the 2d day of March, 1861, passed a joint resolution providing that all the title still retained by the United States in the lands above the Raccoon Fork, in the State of Iowa, "which have been certified to said State improperly by the Department of the Interior as part of the grant by act of Congress approved August 8, 1846, and which is now held by *bona fide* purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa."

Afterwards, and on the 12th day of July, 1862, an act of Congress was passed extending the grant of 1846 so as to include lands lying above the Raccoon Fork.

The joint resolution and act of Congress here mentioned have been repeatedly held by the Supreme Court of the United States to supply a title to the lands mentioned in the deed from the State of Iowa to the Navigation and Railroad Company, which inured to the benefit of said company or its grantees.

No less than ten cases have been decided in that court more or less directly establishing this proposition, as well as the further proposition that no title to these lands could prior to said Congressional action be gained by settlers, for the reason that it had been withdrawn and reserved from entry and sale under the general land laws. It seems to be perfectly well settled also, if an adjudication was necessary upon that question, that

all interest of the United States in these lands was entirely and completely granted by the resolution of 1861 and the act of 1862.

The act of 1862 provides for the setting apart of other lands in lieu of such as were covered by the act, but had been before its passage sold and disposed of by the United States, excepting such as had been released to the State of Iowa under the joint resolution of 1861.

It is claimed, I believe, that in a settlement of land grants thereafter had between the United States and the State of Iowa lands were allowed to the State in lieu or indemnity for some of the lands which it had conveyed to the Des Moines Navigation and Railroad Company. But if the title of the company is valid to lands along the river and above the Raccoon Fork, under the deed from Iowa and the joint resolution and act of Congress, it can not be in the least affected by the fact that the State afterwards, justly or unjustly, received other lands as indemnity.

The bill under consideration provides that all the lands "improperly certified to Iowa" under the grant of 1846, as referred to in the joint resolution of 1861, and for which indemnity lands were selected and received by the State, as provided in the act of 1862, "are, and are hereby, declared to be public lands of the United States."

The claims of persons and their heirs who, with intent in good faith to obtain title under the preemption and homestead laws of the United States, have entered and remained upon any tract of said land prior to 1880 are confirmed and made valid to them and their heirs, not exceeding 160 acres; and upon due proof and payment of the usual price or fees it is directed that such claims shall be carried to patent.

It is further provided that the claims of settlers and claimants which do not come in conflict with the claims of the parties above mentioned are confirmed and made valid. By the second section of the bill it is made the duty of the Attorney-General, as soon as practicable, and within three years after the passage of the act, to institute legal proceedings to assert and protect the title of the United States to said lands and to remove all clouds from its title thereto.

One result of this legislation, if consummated and if effectual, would be to restore to the United States, as a part of the public domain, lands which more than twenty-five years ago the Government expressly granted and surrendered, and which repeated decisions of the Supreme Court have adjudged to belong by virtue of this action of the Government to other parties.

Another result would be not only to validate claims to this land which our highest judicial tribunal have solemnly declared to be invalid, but to actually direct the issue of patents in confirmation of said claims.

Still another result would be to oblige the Government of the United States to enter the courts ostensibly to assert and protect its title to said land, while in point of fact it would be used to enforce private claims to the same and unsettle private ownership.

It is by no means certain that this proposed legislation, relating to a subject peculiarly within the judicial function, and which attempts to disturb rights and interests thoroughly intrenched in the solemn adjudications of our courts, would be upheld. In any event, it seems to me that it is an improper exercise of legislative power, an interference with the determinations of a coordinate branch of the Government, an arbitrary annulment of a public grant made more than twenty-five years ago, an attempted destruction of vested rights, and a threatened impairment of lawful contracts.

The advocates of this measure insist that a point in favor of the settlers upon these lands and important in the consideration of this bill is found in the following language of the constitution of the State of Iowa, which was adopted in 1857:

> The general assembly shall not locate any of the public lands which have been or may be granted by Congress to this State, and the location of which may be given to the general assembly, upon lands actually settled, without the consent of the occupant.

The State under its constitution was perfectly competent to take the grants of 1861 and 1862. The clause of the constitution above quoted deals expressly with "lands which have been or may be granted by Congress to the State," and thus of necessity recognizes its right to take such grants. This competency in the State as a grantee was all that was needed to create, under the joint resolution of 1861 and the act of 1862, a complete divestiture of the interests of the United States in these lands. It must be borne in mind, too, that prior to this time these lands had been conveyed by the State of Iowa in furtherance of the purposes of the original Congressional grants, and that the joint resolution of 1861 and the act of 1862 were really made for the benefit of those who held under grants from the State. After these grants by the Government it had no concern with these lands. If in any stage of the proceedings the general assembly of Iowa was guilty of any neglect of duty or failed to act in accordance with the constitution of the State of Iowa, the remedy should be found in the courts of that State; and it is difficult to see how the situation in this aspect can be changed or improved by the bill under consideration.

I am not unmindful of the fact that there may be persons who have suffered or who are threatened with loss through a reliance upon the erroneous decisions of Government officials as to the extent of the original grant from the United States to the Territory of Iowa. I believe cases of this kind should be treated in accordance with the broadest sentiments of equity, and that where loss is apparent arising from a real or fairly supposed invitation of the Government to settle upon the lands mentioned in the bill under consideration such loss should be made good. But I do not believe that the condition of these settlers will be aided by encouraging them in such further litigation as the terms of this bill invite, nor do I believe that in attempting to right the wrongs of which

they complain legislation should be sanctioned mischievous in principle, and in its practical operation doing injustice to others as innocent as they and as much entitled to consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 23, 1889.*

To the House of Representatives:

I herewith return without approval House bill No. 220, entitled "An act granting a pension to John J. Lockrey."

It is stated that this beneficiary enlisted April 11, 1865, but it appears from the muster roll of his company for May and June, 1865, that he was a recruit assigned, but who had not joined. There is nothing appearing on the record which positively shows that he ever reached his regiment.

It is conceded that his real and nominal connection with the Army extended only from April 11, 1865, when he was mustered in, until August, 1865, when he was discharged for disability, consisting of a disease of the eye, called in the surgeon's certificate "iritis with conjunctivitis."

It seems that this claimant enlisted just at the close of the war, and was connected in a manner with the Army for four months. It is not probable that he ever saw any actual service, for none is stated in the papers before me; and it does appear that he spent a large part of his short term of enlistment in hospitals and under treatment for a trouble with his eye. As early as May 23, 1865, he was admitted to hospital with gonorrheal ophthalmia. His claim was rejected by the Pension Bureau on the ground that this was the cause of his disability, and the inferences from the proof presented make this extremely probable.

One of the witnesses who testified that the beneficiary caught cold in his eye in April, 1865, on the Mississippi River is shown to have been at that time with his regiment and company at Danville, Va.

The circumstances surrounding this case and the facts proved satisfy me that the determination of the Pension Bureau was correct, and there is certainly no sentiment in favor of the claimant which justifies the indulgence of violent presumptions for the purpose of overriding such determination.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 23, 1889.*

To the House of Representatives:

I return without approval House bill No. 5807, entitled "An act granting a pension to John McCool."

This beneficiary served in an Iowa regiment of volunteers from May 27, 1861, to July 12, 1865.

He filed a petition for pension, alleging an accidental wound in the right thumb while extracting a cartridge from a pistol in August, 1861.

There is no record of any such disability, though it appears that he was on a furlough about the date of his alleged injury. It appears that he served nearly four years after the time he fixed as the date of his injury.

No evidence was filed in support of the claim he filed, and he refused to appear for examination, though twice notified to do so.

His claim was rejected in May, 1888, no suggestion having been made of any other disability than the wound in the thumb, upon which his claim before the Bureau was based.

The report of the committee in the House of Representatives recommending the passage of this bill contains no intimation that there exists any disability contracted in the military service, but distinctly declares the pension recommended a service pension, and states that the beneficiary is blind.

As long as the policy of granting pensions for disability traceable to the incidents of army service is adhered to, the allowance of pensions by special acts based upon service only gives rise to unjust and unfair discriminations among those equally entitled, and makes precedents which will eventually result in an entire departure from the principle upon which pensions are now awarded.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 23, 1889.*

To the House of Representatives:

I return without approval House bill No. 11803, entitled "An act granting a pension to Henry V. Bass."

This beneficiary enlisted September 9, 1862, and was mustered out August 15, 1865. The records show no disability during his service.

It is now alleged that the soldier was sitting on the ground near his tent while two comrades were wrestling near him, and that in the course of the scuffle one of the parties engaged in it was thrown or fell upon the beneficiary, injuring his right knee and ankle.

Upon these facts the claim was rejected by the Pension Bureau on the ground that the injury was not received in the line of duty.

I do not think that the Government should be held as an insurer against injuries of this kind, which are in no manner related to the performance of military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 23, 1889.*

To the House of Representatives:

I herewith return without approval House bill No. 11999, entitled "An act granting a pension to William Barnes."

The beneficiary named in this bill served in a Kentucky regiment from August 9, 1861, to December 6, 1864.

He made claim for pension in the Pension Bureau in September, 1882, alleging that in October, 1862, he was accidentally injured by a pistol shot in the thigh while in the line of duty.

It is conceded that he was wounded by the discharge of a pistol which he was carrying while he was absent from his command with permission on a visit to his home, and that the discharge of the pistol was accidental.

The circumstances of the injury are neither given in the report of the committee to whom the claim was referred by the House of Representatives nor in the report of the case furnished to me from the Pension Bureau, but on the conceded facts the granting of a pension in this case can be predicated upon no other theory except the liability of the Government for any injury by accident to a person in the military service, whether in the line of duty or not.

I think the adoption of the principle that the Government is an insurer against accidents under any circumstances befalling those enlisted in its military service when visiting at home is an unwarrantable stretch of pension legislation.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 25, 1889.*

To the House of Representatives:

I herewith return without approval House bill No. 10448, entitled "An act granting a pension to Squire Walter."

The son of the beneficiary named in this bill enlisted in a West Virginia regiment on the 28th day of June, 1861.

On the 15th day of September, 1862, while bathing in the Potomac River near the Chain Bridge, with the knowledge and consent of his commanding officer, he was drowned.

It is perfectly clear that he lost his life while in the enjoyment of a privilege and when at his request military discipline was relaxed and its restraints removed for his comfort and pleasure. His death resulted from his voluntary and perfectly proper personal indulgence, and can not be in the least attributed to military service.

The father does not appear to be so needy and dependent as is often exhibited in cases of this class.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *February 25, 1889.*

I herewith return without approval Senate bill No. 3561, entitled "An act granting a pension to Edwin W. Warner."

A claim for pension on behalf of the beneficiary named in this bill was filed in the Pension Bureau May 6, 1867. It has been examined and re-examined and always rejected, until, on the 29th day of December, 1888, as the result of a personal and thorough investigation by the Commis-

sioner, a pension was allowed and a certificate issued under which the claimant will be paid $18 a month hereafter and arrearages amounting to something near $2,000.

As the special act for the benefit of this claimant was passed by the Congress upon the supposition that nothing had been done for the beneficiary therein named, I deem it best, in his interest, and probably consistent with the intent of the Congress, that the bill herewith returned should not become a law.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 26, 1889.*

To the House of Representatives:

I return without approval House bill No. 12047, entitled "An act granting an increase of pension to George Colwell."

The record shows that this beneficiary was enrolled in the military service August 10, 1862, and was mustered out June 1, 1865.

There is no record of any disability during his service.

He was pensioned at the rate of $2 a month for a dog bite just above the ankle.

In September, 1865, three months after his discharge, he strained the knee of the leg which had been bitten.

In 1887 he applied for an increase of pension, alleging increased disability. This increased disability appears plainly to be the result of the strain or injury to the knee, and in no way connected with the bite for which he was pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 26, 1889.*

To the House of Representatives:

I herewith return without approval House bill No. 10791, entitled "An act granting a pension to Marinda Wakefield Reed."

This beneficiary filed an application for pension in November, 1876, alleging that her husband, William A. Reed, died in September of that year of consumption contracted in the line of military duty.

The records show that the soldier was in hospital in the year 1864 for chronic diarrhea and intermittent fever.

On the 5th day of November, 1864, he was injured in a railroad accident while on his way home to vote at the Presidential election of that year.

The beneficiary claimed in August, 1885, in support of her application for pension that those injuries resulted in consumption, from which the soldier died, and the favorable report of the House committee to which the bill herewith returned was referred seems to proceed upon the same theory.

Nothing appears which satisfactorily connects this injury, which was received in November, 1864, with death from consumption in 1876.

Another difficulty in the case is found in the fact that when the soldier was injured he was clearly not engaged in any military duty nor was his injury in any degree attributable to military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 26, 1889.*

To the House of Representatives:

I return without approval House bill 11466, entitled "An act granting a pension to Mary A. Selbach."

This bill does not give the name of any soldier to whom the beneficiary was related or in what capacity the pension provided for is to be paid to her, but it appears from the report of the committee accompanying the bill that she is the widow of Gustavus Selbach, a volunteer in the Ninth Regiment of Ohio Volunteers.

This soldier drew a pension from January, 1882, to January 16, 1886, when he died. He claimed disability for disease of the ears and a resulting deafness of his left ear. There appears to be no evidence in his record of any disability or medical treatment while in the service, and the medical examination upon his application for pension shows no rating for any disability other than that alleged by him and for which he was pensioned—disease of the ears and resulting deafness.

It is conceded that the soldier died January 16, 1886, of pneumonia.

The widow filed a claim for pension in May, 1887.

The testimony of physicians upon her claim covered seven years prior to his death, thus dating back to the year 1879, and they speak of the disease of the ear and of the kidneys, which, in their opinion, undermined his health, so that "he succumbed to an attack of pneumonia, which to a person of ordinary good health would not have been considered serious."

It can hardly be supposed that the trouble with his ears caused the soldier to fall a victim to pneumonia; and so far as the kidney disease tended in that direction, it is to be observed that it apparently did not make its appearance until fourteen years after the soldier's discharge.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 26, 1889.*

To the House of Representatives:

I return without approval House bill No. 11586, entitled "An act for the relief of Stephen Williams."

It appears from the records that the beneficiary for whom a pension is provided in this bill served as a volunteer in an Illinois regiment from October, 1862, to October, 1864, at which date he is reported as a deserter.

He filed a claim for pension in 1881, in which he alleged that he was struck with a gunstock upon his head and injured in October, 1864.

The evidence shows that a drunken comrade struck the claimant with the stock of his gun because he would not buy whisky for him.

This, upon all the facts, does not appear to be a proper case for allowing a pension for an injury suffered in the line of military duty.

GROVER CLEVELAND.

To the Senate: EXECUTIVE MANSION, *March 2, 1889.*

I herewith return without approval Senate bill No. 139, entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861."

The object of this bill is quite clearly indicated in its title. Its provisions have been much discussed in both branches of Congress and have received emphatic legislative sanction. I fully appreciate the interest which it has excited and have by no means failed to recognize the persuasive presentation made in its favor. I know, too, that the interposition of Executive disapproval in this case is likely to arouse irritation and cause complaint and earnest criticism. Since, however, my judgment will not permit me to assent to the legislation proposed, I can find no way of turning aside from what appears to be the plain course of official duty.

On the 5th day of August, 1861, a Federal statute was passed entitled "An act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes."

This law was passed at a time when immense sums of money were needed by the Government for the prosecution of a war for the Union, and the purpose of the law was to increase in almost every possible way the Federal revenues. The first seven sections of the statute were devoted to advancing very largely the rates of duties on imports, and to supplement this the eighth section provided that a direct tax of $20,000,000 should be annually laid and that certain amounts therein specified should be apportioned to the respective States. The remainder of the law, consisting of fifty sections, contained the most particular and detailed provisions for the collection of the tax through Federal machinery.

It was declared, among other things, that the tax should be assessed and laid on all lands and lots of ground, with their improvements and dwelling houses; that the annual amount of said taxes should be a lien upon all lands and real estate of the individuals assessed for the same, and that in default of payment the said taxes might be collected by distraint and sale of the goods, chattels, and effects of the delinquent persons.

This tax was laid in execution of the power conferred upon the General Government for that purpose by the Constitution. It was an exercise of the right of the Government to tax its citizens. It dealt with

individuals, and the strong arm of Federal power was stretched out to exact from those who owed it support and allegiance their just share of the sum it had decreed should be raised by direct taxation for the general good. The lien created by this tax was upon the land and real estate of the "individuals" assessed for the same, and for its collection the distraint and sale of personal property of the "persons delinquent" were permitted.

But while the direct relationship and responsibility between the individuals taxed and the Federal Government were thus created by the exercise of the highest attribute of sovereignty, it was provided in the statute that any State or Territory and the District of Columbia might lawfully "assume, assess, collect, and pay into the Treasury of the United States" its quota of said tax in its own way and manner and by and through its own officers, assessors, and collectors; and it was further provided that such States or Territories as should give notice of their intention to thus assume and pay or to assess, collect, and pay into the Treasury of the United States such direct tax, should be entitled, in lieu of the compensation, pay, per diem, and percentage in said act prescribed and allowed to assessors, assistant assessors, and collectors of the United States, to a deduction of 15 per cent of the quota of direct tax apportioned to such States or Territories and levied and collected through their officers.

It was also provided by this law and another passed the next year that certain claims of the States and Territories against the United States might be applied in payment of such quotas. Whatever may be said as to the effect of these provisions of the law, it can hardly be claimed that by virtue thereof or any proceedings under them the apportioned quotas of this tax became debts against the several States and Territories, or that they were liable to the General Government therefor in every event, and as principal debtors bound by an enforceable obligation.

In the forty-sixth section of the law it is provided that in case any State, Territory, or the District of Columbia, after notice given of its intention to assume and pay or to levy, collect, and pay said direct tax apportioned to it, should fail to pay the amount of said direct tax, or any part thereof, it should be lawful for the Secretary of the Treasury to appoint United States officers as in the act provided, whose duty it should be to proceed forthwith to collect all or any part of said direct tax "the same as though said State, Territory, or District had not given notice nor assumed to levy, collect, and pay said taxes or any part thereof."

A majority of the States undertook the collection of their quotas and accounted for the amount thereof to the General Government by the payment of money or by setting off claims in their favor against the tax. Fifteen per cent of the amount of their respective quotas was retained as the allowance for collection and payment. In the Northern, or such as were then called the loyal States, nearly the entire quotas were collected

and paid through State agencies. The money necessary for this purpose was generally collected from the citizens of the States with their other taxes, and in whatever manner their quotas may have been canceled, whether by the payment of money or setting off claims against the Government, it is safe to say, as a general proposition, that the people of these States have individually been obliged to pay the assessments made upon them on account of this direct tax and have intrusted it to their several States to be transmitted to the Federal Treasury.

In the Southern States, then in insurrection, whatever was actually realized in money upon this tax was collected directly by Federal officers without the interposition of State machinery, and a part of its quota has been credited to each of these States.

The entire amount applied upon this tax, including the 15 per cent for collection, was credited to the several States and Territories upon the books of the Treasury, whether collected through their instrumentalities or by Federal officers.

The sum credited to all the States was $17,359,685.51, which includes more than $2,000,000 on account of the 15 per cent allowed for collecting. Of the amount credited only about $2,300,000 is credited to the insurrectionary States. The amount uncollected of the twenty millions directed to be raised by this tax was $2,646,314.49, and nearly this entire sum remained due upon the quotas apportioned to these States.

In this condition of affairs the bill under consideration directs the Secretary of the Treasury "to credit to each State and Territory of the United States and the District of Columbia a sum equal to all collections, by set-off or otherwise, made from said States and Territories and the District of Columbia, or from any of the citizens or inhabitants thereof, or other persons, under the act of Congress approved August 5, 1861, and the amendatory acts thereto." An appropriation is also made of such a sum as may be necessary to reimburse each State, Territory, and the District of Columbia for all money found due to it under the provisions of the bill, and it is provided that all money still due to the United States on said direct tax shall be remitted and relinquished.

The conceded effect of this bill is to take from the money now in the Treasury the sum of more than $17,000,000, or, if the percentage allowed is not included, more than $15,000,000, and pay back to the respective States and Territories the sums they or their citizens paid more than twenty-five years ago upon a direct tax levied by the Government of the United States for its defense and safety.

It is my belief that this appropriation of the public funds is not within the constitutional power of the Congress. Under the limited and delegated authority conferred by the Constitution upon the General Government the statement of the purposes for which money may be lawfully raised by taxation in any form declares also the limit of the objects for which it may be expended.

All must agree that the direct tax was lawfully and constitutionally laid and that it was rightfully and correctly collected. It can not be claimed, therefore, nor is it pretended, that any debt arose against the Government and in favor of any State or individual by the exaction of this tax. Surely, then, the appropriation directed by this bill can not be justified as a payment of a debt of the United States.

The disbursement of this money clearly has no relation to the common defense. On the contrary, it is the repayment of money raised and long ago expended by the Government to provide for the common defense.

The expenditure can not properly be advocated on the ground that the general welfare of the United States is thereby provided for or promoted. This "general welfare of the United States," as used in the Constitution, can only justify appropriations for national objects and for purposes which have to do with the prosperity, the growth, the honor, or the peace and dignity of the nation.

A sheer, bald gratuity bestowed either upon States or individuals, based upon no better reason than supports the gift proposed in this bill, has never been claimed to be a provision for the general welfare. More than fifty years ago a surplus of public money in the Treasury was distributed among the States; but the unconstitutionality of such distribution, considered as a gift of money, appears to have been conceded, for it was put into the State treasuries under the guise of a deposit or loan, subject to the demand of the Government.

If it was proposed to raise by assessment upon the people the sum necessary to refund the money collected upon this direct tax, I am sure many who are now silent would insist upon the limitations of the Constitution in opposition to such a scheme. A large surplus in the Treasury is the parent of many ills, and among them is found a tendency to an extremely liberal, if not loose, construction of the Constitution. It also attracts the gaze of States and individuals with a kind of fascination, and gives rise to plans and pretensions that an uncongested Treasury never could excite.

But if the constitutional question involved in the consideration of this bill should be determined in its favor, there are other objections remaining which prevent my assent to its provisions.

There should be a certainty and stability about the enforcement of taxation which should teach the citizen that the Government will only use the power to tax in cases where its necessity and justice are not doubtful, and which should also discourage the disturbing idea that the exercise of this power may be revoked by reimbursement of taxes once collected. Any other theory cheapens and in a measure discredits a process which more than any other is a manifestation of sovereign authority.

A government is not only kind, but performs its highest duty when it restores to the citizen taxes unlawfully collected or which have been erroneously or oppressively extorted by its agents or officers; but aside from these incidents, the people should not be familiarized with the

spectacle of their Government repenting the collection of taxes and restoring them.

The direct tax levied in 1861 is not even suspected of invalidity. There never was a tax levied which was more needed, and its justice can not be questioned. Why, then, should it be returned?

The fact that the entire tax was not paid furnishes no reason that would not apply to nearly every case where taxes are laid. There are always delinquents, and while the more thorough and complete collection of taxes is a troublesome problem of government, the failure to solve the problem has never been held to call for the return of taxes actually collected.

The deficiency in the collection of this tax is found almost entirely in the insurrectionary States, while the quotas apportioned to the other States were, as a general rule, fully paid; and three-fourths or four-fifths of the money which it is proposed in this bill to return would be paid into the treasuries of the loyal States. But no valid reason for such payment is found in the fact that the Government at first could not, and afterwards, for reasons probably perfectly valid, did not, enforce collection in the other States.

There were many Federal taxes which were not paid by the people in the rebellious States; and if the nonpayment by them of this direct tax entitles the other States to a donation of the share of said taxes paid by their citizens, why should not the income tax and many other internal taxes paid entirely by the citizens of loyal States be also paid into the treasuries of these States? Considerations which recognize sectional divisions or the loyalty of the different States at the time this tax was laid should not enter into the discussion of the merits of this measure.

The loyal States should not be paid the large sums of money promised them by this bill because they were loyal and other States were not, nor should the States which rebelled against the Government be paid the smaller sum promised them because they were in rebellion and thus prevented the collection of their entire quotas, nor because this concession to them is necessary to justify the proposed larger gifts to the other States.

The people of the loyal States paid this direct tax as they bore other burdens in support of the Government, and I believe the taxpayers themselves are content. In the light of these considerations I am opposed to the payment of money from the Federal Treasury to enrich the treasuries of the States. Their funds should be furnished by their own citizens, and thus should be fostered the taxpayer's watchfulness of State expenditures and the taxpayer's jealous insistence upon the strict accountability of State officials. These elements of purity and strength in a State are not safely exchanged for the threatened demoralization and carelessness attending the custody and management of large gifts from the Federal Treasury.

The baneful effect of a surplus in the Treasury of the General Government is daily seen and felt. I do not think, however, that this surplus should be reduced or its contagion spread throughout the States by methods such as are provided in this bill.

There is still another objection to the bill, arising from what seems to me its unfairness and unjust discrimination.

In the case of proposed legislation of at least doubtful constitutionality, and based upon no legal right, the equities which recommend it should always be definite and clear.

The money appropriated by this bill is to be paid to the governors of the respective States and Territories in which it was collected, whether the same was derived through said States and Territories, or directly "from any of the citizens or inhabitants thereof or other persons;" and it is further provided that such sums as were collected in payment of this Federal tax through the instrumentality of the State or Territorial officials, and accounted for to the General Government by such States and Territories, are to be paid unconditionally to their governors, while the same collected in payment of said tax by the United States, or, in other words, by the Federal machinery created for that purpose, are to be held in trust by said States or Territories for the benefit of those paying the same.

I am unable to understand how this discrimination in favor of those who have made payment of this tax directly to the officers of the Federal Government, and against those who made such payments through State or Territorial agencies, can be defended upon fair and equitable principles. It was the General Government in every case which exacted this tax from its citizens and people in the different States and Territories, and to provide for reimbursement to a part of its citizens by the creation of a trust for their benefit, while the money exacted in payment of this tax from a far greater number is paid unconditionally into the State and Territorial treasuries, is an unjust and unfair proceeding, in which the Government should not be implicated.

It will hardly do to say that the States and Territories who are the recipients of these large gifts may be trusted to do justice to its citizens who originally paid the money. This can not be relied upon; nor should the Government lose sight of the equality of which it boasts, and, having entered upon the plan of reimbursement, abandon to other agencies the duty of just distribution, and thus incur the risk of becoming accessory to actual inequality and injustice.

If in defense of the plan proposed it is claimed that exact equality can not be reached in the premises, this may be readily conceded. The money raised by this direct tax was collected and expended twenty-seven years ago. Nearly a generation has passed away since that time. Even if distribution should be attempted by the States and Territories, as well as by the Government, the taxpayers in many cases are neither

alive nor represented, and in many other cases if alive they can not be found. Fraudulent claims would often outrun honest applications and innumerable and bitter contests would arise between claimants.

Another difficulty in the way of doing perfect justice in the operation of this plan of reimbursement is found in the fact that the money to be appropriated therefor was contributed to the Federal Treasury for entirely different purposes by a generation many of whom were not born when the direct tax was levied and paid, who have no relation to said tax and can not share in its distribution. While they stand by and see the money they have been obliged to pay into the public Treasury professedly to meet present necessities expended to reimburse taxation long ago fairly, legally, and justly collected from others, they can not fail to see the unfairness of the transaction.

The existence of a surplus in the Treasury is no answer to these objections. It is still the people's money, and better use can be found for it than the distribution of it upon the plea of the reimbursement of ancient taxation. A more desirable plan to reduce and prevent the recurrence of a large surplus can easily be adopted—one that, instead of creating injustice and inequality, promotes justice and equality by leaving in the hands of the people and for their use the money not needed by the Government "to pay the debts and provide for the common defense and general welfare of the United States."

The difficulties in the way of making a just reimbursement of this direct tax, instead of excusing the imperfections of the bill under consideration, furnish reasons why the scheme it proposes should not be entered upon.

I am constrained, upon the considerations herein presented, to withhold my assent from the bill herewith returned, because I believe it to be without constitutional warrant, because I am of the opinion that there exists no adequate reasons either in right or equity for the return of the tax in said bill mentioned, and because I believe its execution would cause actual injustice and unfairness.

GROVER CLEVELAND.

PROCLAMATION.

By the President of the United States of America.

A PROCLAMATION.

Whereas public interests require that the Senate should be convened at 12 o'clock on the 4th day of March next to receive such communications as may be made by the Executive:

Now, therefore, I, Grover Cleveland, President of the United States,

do hereby proclaim and declare that an extraordinary occasion requires the Senate of the United States to convene at the Capitol, in the city of Washington, on the 4th day of March next, at 12 o'clock noon, of which all persons who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 26th day of February, A. D. 1889, and of the Inde-
[SEAL.] pendence of the United States of America the one hundred and thirteenth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,
Secretary of State.

EXECUTIVE ORDERS.

EXECUTIVE MANSION,
Washington, December 5, 1888.

To the Civil Service Commission.

GENTLEMEN: The efficiency of the public service, in my opinion, renders it necessary to include in the classified service and subject to examination the employees in the railway mail service. The difficulties in the way of this movement can, I believe, be overcome by carefully prepared rules and regulations.

I have this day directed the Postmaster-General to so revise the classification of his Department as to include these employees in one or more classes; and in furtherance of my purpose I have to request that, after conference with the Postmaster-General, you will prepare the necessary modifications of the present rules and regulations to meet the proposed extension.

Yours, very truly,

GROVER CLEVELAND.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., December 5, 1888.

The PRESIDENT.

SIR: The Commission recommends that Special Departmental Rule No. 1 be amended by adding to the exceptions from examination therein declared the following:

"10. In all the Departments: Bookbinders."

Very respectfully,

A. P. EDGERTON.
CHAS. LYMAN,
United States Civil Service Commissioners.

EXECUTIVE MANSION,
Washington, December 6, 1888.

The above proposed amendment is hereby approved.

GROVER CLEVELAND.

Amendments to General Rules II, III, IV, Departmental Rules V, VIII, Customs Rule III, and Postal Rules II, VI, are hereby made and promulgated as follows:

GENERAL RULE II.

In line 1 strike out the word "three" and insert in place thereof the word "four." At the end of the rule insert the following: "4. The classified railway mail service." The rule as thus amended will read:

There shall be four branches of the classified civil service, as follows:
1. The classified departmental service.
2. The classified customs service.
3. The classified postal service.
4. The classified railway mail service.

GENERAL RULE III.

In section 9, line 2, after the word "service," insert the words "and the classified railway mail service." The section as thus amended will read:

9. Every applicant for examination for the classified departmental service and the classified railway mail service must support the statements of his application paper by certificates of persons acquainted with him, residents of the State, Territory, or district in which he claims *bona fide* residence; and the Commission shall prescribe the form and number of such certificates.

In section 10, line 1, after the word "or," insert the words "procured by his;" strike out all after the word "connivance" in line 1 to and including the word "and" in line 3, and in place of the words stricken out insert the words "or any;" strike out all after the word "consent" in line 4 to and including the word "examination" in line 5; strike out the words "for refusing" in line 6; change the period to a comma at the end of line 6 and insert after the comma the words "or to certify him for appointment, or for his removal after appointment." The section as thus amended will read:

10. A false statement made by an applicant, or procured by his connivance, or any deception or fraud practiced by an applicant, or by any person on his behalf with his consent, shall be good cause for refusal to examine such applicant, or to mark his papers after examination, or to certify him for appointment, or for his removal after appointment.

GENERAL RULE IV.

In section 2 strike out the letter "*a*," in brackets, in line 2; change the period to a semicolon at the end of line 4; in line 5 strike out the letter "*b*," in brackets, and strike out all after the word "has" to and

including the word "has" in line 7, and write the section as one paragraph. The section as thus amended will read:

2. The Commission may refuse to certify an eligible who is so defective in sight, speech, or hearing, or who is otherwise so defective physically as to be apparently unfit to perform the duties of the position to which he is seeking appointment, or an eligible who has been guilty of crime or of infamous or of notoriously disgraceful conduct.

DEPARTMENTAL RULE V.

In section 2, paragraph 6, after the word "service" in line 3, insert the words "or the classified railway mail service;" in paragraph 7, line 1, strike out the word "and," and after the word "postal" in the same line insert the words "and railway mail." The section as thus amended will read:

Local boards.—These boards shall be organized at one or more places in each State and Territory where examinations for the classified departmental service or the classified railway mail service are to be held, and shall conduct such examinations; and each shall be composed of persons in the public service residing in the State or Territory in which the board is to act.

Customs, postal, and railway mail boards.—These boards shall conduct such examinations for the classified departmental service as the Commission may direct.

DEPARTMENTAL RULE VIII.

In section 1, clause (*c*), line 1, after the word "post-office," insert "or to the classified railway mail service;" in line 2, after the word "from," strike out the words "such an office" and insert "a classified post-office or the classified railway mail service." The clause as thus amended will read:

(*c*) From the Post-Office Department to a classified post-office or to the classified railway mail service, and from a classified post-office or the classified railway mail service to the Post-Office Department, upon requisition by the Postmaster-General.

In section 2, line 6, after the word "been," insert "in the classified railway mail service or." The section as thus amended will read:

2. No person may be transferred as herein authorized until the Commission shall have certified to the officer making the transfer requisition that the person whom it is proposed to transfer has passed an examination to test fitness for the place to which he is to be transferred, and that such person has during at least six months preceding the date of the certificate been in the classified railway mail service or in the classified service of the Department, customs district, or post-office from which the transfer is to be made: *Provided*, That no person who has been appointed from the copyist register shall be transferred to a place the salary of which is more than $900 per annum until one year after appointment.

CUSTOMS RULE III.

In section 2, clause (*c*), at the end of line 1, insert "and the classified railway mail service." The clause as thus amended will read:

(*c*) Conduct such examinations for the classified departmental service and the classified railway mail service as the Commission may direct.

POSTAL RULE II.

In section 5, at the end of clause (*e*) of that section, strike out the period and insert a comma, and after the comma the following:

Provided, That superintendents of mails shall be selected from among the employees of the railway mail service.

The clause as thus amended will read:

Superintendents designated by the Post-Office Department, and reported as such to the Commission, *Provided*, That superintendents of mails shall be selected from among the employees of the railway mail service.

POSTAL RULE VI.

In section 1, clause (*a*), after the word "another" in line 1 of that clause, strike out the comma and insert a semicolon, and after the semicolon the following:

From any classified post-office to the classified railway mail service, and from the classified railway mail service to any classified post-office.

In clause (*b*), after the word "post-office" in line 1, insert "or from the classified railway mail service," and in line 2, after the word "post-office," insert "or to the classified railway mail service."

In section 2, line 6, after the word "certificate" insert "in the classified railway mail service or." The rule as thus amended will read:

1. Transfers may be made as follows:

(*a*) From one classified post-office to another, from any classified post-office to the classified railway mail service, and from the classified railway mail service to any classified post-office, upon requisition of the Postmaster-General.

(*b*) From any classified post-office or from the classified railway mail service to the Post-Office Department, and from the Post-Office Department to any classified post-office, or to the classified railway mail service, upon requisition of the Postmaster-General.

2. No person may be transferred as herein authorized until the Commission shall have certified to the officer making the transfer requisition that the person whom it is proposed to transfer has passed an examination to test fitness for the place to which he is to be transferred, and that such person has been at least six months next preceding the date of the certificate in the classified railway mail service or in the classified service of the Department or post-office from which the transfer is to be made.

Approved, January 4, 1889. GROVER CLEVELAND.

RAILWAY MAIL RULES.

RAILWAY MAIL RULE I.

The classified railway mail service shall include all the officers, clerks, and other persons in that service classified under the provisions of section 6 of the act to regulate and improve the civil service of the United States, approved January 16, 1883.

RAILWAY MAIL RULE II.

1. To test fitness for admission to the classified railway mail service the following examinations shall be provided:

Clerk examination.—This examination shall include not more than the following subjects:

(*a*) Orthography.

(*b*) Copying.

(*c*) Penmanship.

(*d*) Arithmetic—fundamental rules, fractions, and percentage.

(*e*) Letter writing.

(*f*) The geography of the United States, and especially of the State or railway mail division in which the applicant resides.

(*g*) The railway systems of the State or railway mail division in which the applicant resides.

(*h*) Reading addresses.

Other competitive examinations.—Such other competitive examinations as the Commission may from time to time deem necessary.

Noncompetitive examinations.—Such examinations may, with the approval of the Commission, be held under conditions stated in General Rule III, clause 2.

2. No person shall be examined for the railway mail service if under 18 or over 35 years of age, except that any person honorably discharged from the military or naval service of the United States by reason of disability resulting from wounds or sickness incurred in the line of duty, and whose claim of preference under section 1754 of the Revised Statutes has been allowed by the Commission, may be examined without regard to his age.

3. Any person desiring examination for admission to the classified railway mail service must, in his own handwriting, make request for a blank form of application, which request, and also his application, shall be addressed as follows: "United States Civil Service Commission, Washington, D. C."

4. The date of reception, and also of approval, by the Commission of each application shall be noted on the application paper.

5. Exceptions from examination in the classified railway mail service are hereby made as follows:

(*a*) General superintendent.

(*b*) Assistant general superintendent.

6. No person appointed to a place under any exception to examination hereby made shall within one year after appointment be transferred to another place not also excepted from examination; but after service of not less than one year in an examination-excepted place he may be transferred to a place not excepted from examination upon the certificate of the Commission that he has passed an examination to test fitness for the place to which his transfer is proposed.

RAILWAY MAIL RULE III.

1. The papers of every examination shall be marked under the direction of the Commission, and each competitor shall be graded on a scale of 100, according to the general average determined by the marks made by the examiners on his papers.

2. The Commission shall appoint in each railway mail division as many boards of examiners as it may deem necessary for the good of the service and the convenience of applicants: *Provided*, That there shall be at least one such board in each Territory and not less than two in each State, except that the number may be limited to one each in the States of Rhode Island and Delaware.

3. These boards shall conduct such examinations for admission to and promotions in the classified railway mail service and such examinations for the other branches of the classified service as the Commission may direct. They shall also mark such examination papers as the Commission may direct.

4. Unless otherwise directed by the Commission, the papers of examination for admission to the classified railway mail service shall be marked by the central board.

5. The papers of an examination having been marked, the Commission shall ascertain—

(*a*) The name of every competitor who has, under section 1754 of the Revised Statutes, claim of preference in civil appointments, and who has attained a general

average of not less than 65 per cent; and all such competitors are hereby declared eligible to the class or place to test fitness for which the examination was held.

(*b*) The name of every other competitor who has attained a general average of not less than 70 per cent; and all such applicants are hereby declared eligible to the class or place to test fitness for which the examination was held.

6. The names of all preference-claiming competitors whose general average is not less than 65 per cent, together with the names of all other competitors whose general average is not less than 70 per cent, shall be entered upon the register of persons eligible to the class or place to test fitness for which the examination was held.

7. The grade of each competitor shall be expressed by the whole number nearest the general average attained by him, and the grade of each eligible shall be noted upon the register of eligibles in connection with his name. When two or more eligibles are of the same grade, preference in certification shall be determined by the order in which their application papers were filed.

8. There shall be a register of eligibles for each State and Territory, and the names of all the eligibles of any State or Territory shall be entered upon the register for that State or Territory. The eligibles of the District of Columbia shall be entered, according to their election, upon the register of the State of Maryland or upon that of the State of Virginia.

9. Immediately after the general averages shall have been ascertained each competitor shall be notified that he has passed or has failed to pass.

10. If a competitor fail to pass, he may, with the consent of the Commission, be allowed a reexamination at any time within six months from the date of failure without filing a new application; but if such reexamination be not allowed within that time he shall not be again examined without making in due form a new application.

11. No eligible shall be allowed reexamination during the term of his eligibility unless he shall furnish evidence satisfactory to the Commission that at the time of his examination, because of illness or other good cause, he was incapable of doing himself justice in said examination.

12. The term of eligibility shall be such as the Commission may by regulation determine, but shall not be less than one year from the day on which the name of the eligible is entered upon the register: *Provided*, That for public and sufficient reasons the Commission shall have authority to extend the term of eligibility of the eligibles on the register of any State or Territory for such period, not exceeding one year, as it may deem necessary, without correspondingly extending the term of the eligibles on the registers of the other States and Territories as to which the same reasons do not exist.

RAILWAY MAIL RULE IV.

1. All vacancies in the classified railway mail service above class 1, unless among the places excepted from examination, shall be filled by promotion, upon such tests of fitness as the Postmaster-General, with the approval of the Commission, may prescribe: *Provided*, That a vacancy occurring in a State or railway mail division in any grade may be filled by the transfer of a clerk of the same grade from another State or division, under such regulations as the Postmaster-General, with the approval of the Commission, may prescribe, or by reappointment under the provisions of Railway Mail Rule VI.

2. All vacancies in class 1, unless filled by transfer or reappointment under Railway Mail Rule VI, shall be filled in the following manner:

(*a*) The general superintendent shall, in form and manner to be prescribed by the Commission, request the certification to him of eligibles from a State or Territory in which a vacancy then exists.

(*b*) The Commission shall certify from the register of the State or Territory in

which the vacancy exists the names of the three eligibles thereon having the highest averages who have not been three times certified: *Provided*, That if upon said register there are the names of eligibles having a claim of preference under section 1754, Revised Statutes, the names of such eligibles shall be certified before the names of other eligibles of higher grade: *Provided further*, That if there are not three eligibles upon the register of the State or Territory in which the vacancy exists eligibles may be certified from the register of any adjoining State or Territory.

(*c*) The name of an eligible shall not be certified more than three times.

3. Of the three names certified to the general superintendent one shall be selected and designated for appointment, and more than one may be if there be more than one vacancy existing at the time.

4. Each person designated for appointment shall be notified, and upon reporting to the proper officer shall be appointed for a probational period of six months, at the end of which period, if his conduct and capacity be satisfactory, he shall be absolutely appointed; but if his conduct and capacity be not satisfactory he shall be so notified, and such notice shall be his discharge from the service.

5. The general superintendent, with the approval of the Postmaster-General, shall prescribe regulations under which each probationer shall be observed and tested and a record kept of his conduct and capacity, and such record shall determine his fitness for the service and whether he shall be dropped during or at the end of probation or be absolutely appointed.

6. There may be certified and appointed in each State and Territory, in the manner provided for in this rule, such number of substitute clerks, not exceeding the ratio of one substitute to twenty regular clerks, in such State or Territory as the Postmaster-General may authorize, and any vacancies occurring in class 1 in any State or Territory in which substitutes have been appointed shall be filled by the appointment thereto of those substitutes in the order of their appointment as substitutes without further certification. The time during which any substitute is actually employed in the service shall be counted as a part of his probation.

RAILWAY MAIL RULE V.

1. Transfers may be made as follows:

(*a*) From the classified railway mail service to any classified post-office, and from any classified post-office to the classified railway mail service, upon requisition of the Postmaster-General.

(*b*) From the classified railway mail service to the Post-Office Department, and from the Post-Office Department to the classified railway mail service, upon requisition of the Postmaster-General.

2. No person shall be transferred as herein authorized until the Commission shall have certified to the Postmaster-General that the person whom it is proposed to transfer has passed an examination to test fitness for the place to which he is to be transferred, and that such person has been at least six months next preceding the date of the certificate in the classified railway mail service or in the classified service of the post-office or Department from which the transfer is to be made: *Provided*, That no employee shall be transferred to any grade which he could not enter by original appointment by reason of any age limitation prescribed by the civil-service rules.

RAILWAY MAIL RULE VI.

1. Upon requisition of the Postmaster-General the Commission shall certify for reinstatement in a grade or class no higher than that in which he was formerly employed any person who within one year next preceding the date of the requisition has, through no delinquency or misconduct, been separated from the classified railway mail service.

RAILWAY MAIL RULE VII.

1. The general superintendent of the railway mail service shall report to the Commission—

(*a*) Every probational (whether substitute or regular) and every absolute appointment in the railway mail service in each State or Territory; every appointment under any exception to examination authorized by Railway Mail Rule II, clause 5; every reappointment under Railway Mail Rule VI, and every appointment of a substitute to a regular place.

(*b*) Every refusal to make an absolute appointment and the reason therefor, and every refusal or neglect to accept an appointment in the classified railway mail service.

(*c*) Every transfer into the classified railway mail service.

(*d*) Every separation from the classified railway mail service and the cause of such separation.

(*e*) Every promotion or degradation in the classified railway mail service, if such promotion or degradation be from one class to another class.

(*f*) Once in every six months, namely, on the 30th of June and the 31st of December of each year, the whole number of employees in each railway mail division, arranged by States and classes, showing the number of substitutes and the number of regular employees in each class in each State or Territory.

EXECUTIVE MANSION,
Washington, January 4, 1889.

The above rules are hereby approved, to take effect March 15, 1889: *Provided*, That such rules shall become operative and take effect in any State or Territory as soon as an eligible register for such State or Territory shall be prepared, if it shall be prior to the date above fixed.

GROVER CLEVELAND.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 8, 1889.

The PRESIDENT.

SIR: The Commission recommends that Special Departmental Rule No. 1 be amended by adding to the exceptions from examination therein declared the following:

"11. In the Department of Justice: Assistant attorneys.

"12. In the Department of Agriculture, Bureau of Experiment Stations: Private secretary to the Director."

Very respectfully,

CHAS. LYMAN,
United States Civil Service Commissioner.

Approved, February 11, 1889.

GROVER CLEVELAND.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 9, 1889.

The PRESIDENT.

SIR: This Commission has the honor to recommend that the order of the President fixing the places to which appointments may be made upon noncompetitive examination under General Rule III, section 2, clause (*f*), may be amended by including among such places the following:

"In the Post-Office Department: Captain of the watch."

This recommendation is based upon the letter of the Postmaster-General dated December 19, 1888, in which he says:

"I would request that places in the Post-Office Department subject to noncompetitive examination be increased by including the position of captain of the watch, as the duties of the position are of such a nature that the head of the Department should be permitted to recommend for examination such person as would possess such other qualifications in addition to the merely clerical ones as would commend him to the head of he Department to fill satisfactorily such position."

Very respectfully,

CHAS. LYMAN,
United States Civil Service Commissioner.

Approved, February 11, 1889.

GROVER CLEVELAND.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 9, 1889.

The PRESIDENT.

SIR: This Commission has the honor to recommend that the order heretofore approved by you authorizing noncompetitive examination under General Rule III, section 2, clause (*e*), to test fitness for certain designated places in the classified departmental service, may be amended by the revocation of so much of the order above referred to as provides for the appointment upon noncompetitive examination of "inspector of electric lights" in the office of the Secretary in the Treasury Department.

Very respectfully,

CHAS. LYMAN,
United States Civil Service Commissioner.

Approved, February 11, 1889.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 26, 1889.*

Whereas by an act of Congress entitled "An act to enable the President to protect the interests of the United States in Panama," approved February 25, 1889, it was enacted as follows:

That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000 to enable the President to protect the interests of the United States and to provide for the security of persons and property of citizens of the United States at the Isthmus of Panama in such manner as he may deem expedient.

And whereas satisfactory information has been received by me that a number of citizens of the United States have been thrown out of employment and left destitute in the Republic of Colombia by the stoppage of work on the Panama Canal:

It is therefore ordered, That so much as is necessary of the fund appropriated by the said act be expended, under the direction and control of the Secretary of State, in furnishing transportation to the United States to any citizen or citizens of the United States who may be found destitute within the National Department of Panama, in the Republic of Colombia.

GROVER CLEVELAND.

Benjamin Harrison

March 4, 1889, to March 4, 1893

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

HOME, AT INDIANAPOLIS, INDIANA, OF

BENJAMIN HARRISON

With official portrait engraved from copy of original in steel

PYRIGHT 1908 BY BUREAU OF NATIONAL LITERATURE AND ART

Benjamin Harrison

BENJAMIN HARRISON, twenty-third President of the United States, was born at North Bend, Ohio, August 20, 1833. His father, John Scott Harrison, was the third son of General William Henry Harrison, ninth President of the United States, who was the third and youngest son of Benjamin Harrison, one of the signers of the Declaration of Independence. John Scott Harrison was twice married, his second wife being Elizabeth, daughter of Archibald Irwin, of Mercersburg, Pa. Benjamin was the second son of this marriage. His parents were resolutely determined upon the education of their children, and early in childhood Benjamin was placed under private instruction at home. In 1847 he and his elder brother were sent to a school on what was known as College Hill, a few miles from Cincinnati. After remaining there two years entered the junior class at Miami University, at Oxford, Ohio, where he was graduated in 1852. Was married October 20, 1853, to Caroline Scott, daughter of Dr. John W. Scott, who was then president of Oxford Female Seminary, from which Mrs. Harrison was graduated in 1852. After studying law under Storer & Gwynne in Cincinnati, Mr. Harrison was admitted to the bar in 1854, and began the practice of his profession at Indianapolis, Ind., which has since been his home. Was appointed crier of the Federal court, at a salary of $2.50 per day. This was the first money he had ever earned. Jonathan W. Gordon, one of the leaders of the Indianapolis bar, called young Harrison to his assistance in the prosecution of a criminal tried for burglary, and intrusted to him the plea for the State. He had taken ample notes of the evidence, but the case was closed at night, and the court-house being dimly lighted by tallow candles, he was unable to read them when he arose to address the court and jury. Laying them aside, he depended entirely upon his memory and found it perfect. He made an eloquent plea, produced a marked impression, and won the case. Since then he has always been an impromptu speaker. Formed a partnership later with William Wallace, but in 1860 the latter became clerk of Marion County, and the firm was changed to Harrison & Fishback, which was terminated by the entry of the senior partner into the Army in 1862. Was

chosen reporter of the supreme court of Indiana in 1860 on the Republican ticket. This was his first active appearance in the political field. When the Civil War began assisted in raising the Seventieth Indiana Regiment of Volunteers, taking a second lieutenant's commission and raising Company A of that regiment. Governor Morton tendered him the command of the regiment and he was commissioned its colonel. Mr. Harrison appointed a deputy reporter for the supreme court. In the ensuing autumn the Democratic State committee, considering his position as a civil officer vacated by this military appointment, nominated and elected a successor, although his term of office had not expired. Their view was sustained by the State supreme court; but in 1864, while Colonel Harrison was in the Army, the people of Indiana gave their judgment by reelecting him to the position of supreme-court reporter by an overwhelming majority. In 1862 the Seventieth Indiana went into the field with Harrison as its colonel, their objective point being Bowling Green, Ky. It was brigaded with the Seventy-ninth Ohio and the One hundred and second, One hundred and fifth, and One hundred and twenty-ninth Illinois regiments, under Brigadier-General Ward, of Kentucky, and this organization was kept unchanged until the close of the war. Colonel Harrison had the right of the brigade, and his command was occupied at first in guarding railroads and hunting guerrillas, his energies being largely spent in drilling his men. When General Rosecrans set out for Chattanooga General Ward was sent on duty to Nashville, and on January 2, 1864, his command was called to the front. Later this brigade became the First Brigade of the Third Division of the Twentieth Army Corps, under General Hooker, General Ward resuming its command. The campaign under General Sherman, upon which his regiment with its associate forces entered, was directed, as is now known, against the Confederate army of General Joseph E. Johnston, and not against any particular place. In the Federal advance one of the severest actions was fought at Resaca, Ga., May 14 and 15, 1864, and the Seventieth Indiana led the assault. His regiment participated in the fights at New Hope Church and at Golgotha Church, Kenesaw Mountain, and Peach Tree Creek. When Atlanta was taken by Sherman, September 2, 1864, Colonel Harrison received his first furlough to visit home, being assigned to special duty in a canvass of the State to recruit for the forces in the field. Returning to Chattanooga and then to Nashville, he was placed in command of a provisional brigade held in reserve at the battle at the latter place (December 15 and 16, 1864), and was but little engaged. When the fight was over he was sent in pursuit of the Confederate general Hood. Recalled from that pursuit, was next ordered to report to General Sherman at Savannah. While passing through New York he succumbed to an attack of scarlet fever, but in a few weeks was able to proceed on his way. Joining Sherman at Goldsboro, N. C., resumed command of his old brigade, and at the close of the war went with it to Washington

to take part in the grand review of the armies. Was duly mustered out of the service June 8, 1865, not, however, until he had received a commission as brevet brigadier-general, dated January 23, 1865. Returning to Indianapolis after the war, resumed his office of reporter of the supreme court, but in 1867 declined a renomination, preferring to devote himself exclusively to the practice of law. Became a member of the firm of Porter, Harrison & Fishback, and, after subsequent changes, of that of Harrison, Miller & Elam. Took part in 1868 and 1872 in the Presidential campaigns in support of General Grant, traveling over Indiana and speaking to large audiences. In 1876 at first declined a nomination for governor on the Republican ticket, consenting to run only after the regular nominee had withdrawn. In this contest he received almost 2,000 more votes than his associates, but was defeated. Was a member of the Mississippi River Commission in 1879. In 1880, as chairman of the Indiana delegation in the Republican national convention, he cast nearly the entire vote of the State for James A. Garfield for President. President Garfield offered him a place in his Cabinet, but he declined it, preferring the United States Senatorship from Indiana, to which he had just been chosen, and which he held from 1881 to 1887. In the Senate he advocated the tariff views of his party, opposed President Cleveland's vetoes of pension bills, urged the reconstruction and upbuilding of the Navy, and labored and voted for civil-service reform. Was a delegate at large to the Republican national convention in 1884, and in 1888 at Chicago was nominated for the Presidency on the eighth ballot. The nomination was made unanimous, and in November he was elected, receiving 233 electoral votes to 168 for Grover Cleveland. Was inaugurated March 4, 1889. Was again nominated for the Presidency at the national Republican convention which met at Minneapolis in 1892, but was defeated at the November election, receiving 145 electoral votes, against 276 votes for Grover Cleveland. Upon his retiring from office located at Indianapolis, Ind., where he now resides.

INAUGURAL ADDRESS.

FELLOW-CITIZENS: There is no constitutional or legal requirement that the President shall take the oath of office in the presence of the people, but there is so manifest an appropriateness in the public induction to office of the chief executive officer of the nation that from the beginning of the Government the people, to whose service the official oath consecrates the officer, have been called to witness the solemn ceremonial. The oath taken in the presence of the people becomes a mutual covenant. The officer covenants to serve the whole body of the people by a

faithful execution of the laws, so that they may be the unfailing defense and security of those who respect and observe them, and that neither wealth, station, nor the power of combinations shall be able to evade their just penalties or to wrest them from a beneficent public purpose to serve the ends of cruelty or selfishness.

My promise is spoken; yours unspoken, but not the less real and solemn. The people of every State have here their representatives. Surely I do not misinterpret the spirit of the occasion when I assume that the whole body of the people covenant with me and with each other to-day to support and defend the Constitution and the Union of the States, to yield willing obedience to all the laws and each to every other citizen his equal civil and political rights. Entering thus solemnly into covenant with each other, we may reverently invoke and confidently expect the favor and help of Almighty God—that He will give to me wisdom, strength, and fidelity, and to our people a spirit of fraternity and a love of righteousness and peace.

This occasion derives peculiar interest from the fact that the Presidential term which begins this day is the twenty-sixth under our Constitution. The first inauguration of President Washington took place in New York, where Congress was then sitting, on the 30th day of April, 1789, having been deferred by reason of delays attending the organization of the Congress and the canvass of the electoral vote. Our people have already worthily observed the centennials of the Declaration of Independence, of the battle of Yorktown, and of the adoption of the Constitution, and will shortly celebrate in New York the institution of the second great department of our constitutional scheme of government. When the centennial of the institution of the judicial department, by the organization of the Supreme Court, shall have been suitably observed, as I trust it will be, our nation will have fully entered its second century.

I will not attempt to note the marvelous and in great part happy contrasts between our country as it steps over the threshold into its second century of organized existence under the Constitution and that weak but wisely ordered young nation that looked undauntedly down the first century, when all its years stretched out before it.

Our people will not fail at this time to recall the incidents which accompanied the institution of government under the Constitution, or to find inspiration and guidance in the teachings and example of Washington and his great associates, and hope and courage in the contrast which thirty-eight populous and prosperous States offer to the thirteen States, weak in everything except courage and the love of liberty, that then fringed our Atlantic seaboard.

The Territory of Dakota has now a population greater than any of the original States (except Virginia) and greater than the aggregate of five of the smaller States in 1790. The center of population when our

national capital was located was east of Baltimore, and it was argued by many well-informed persons that it would move eastward rather than westward; yet in 1880 it was found to be near Cincinnati, and the new census about to be taken will show another stride to the westward. That which was the body has come to be only the rich fringe of the nation's robe. But our growth has not been limited to territory, population, and aggregate wealth, marvelous as it has been in each of those directions. The masses of our people are better fed, clothed, and housed than their fathers were. The facilities for popular education have been vastly enlarged and more generally diffused.

The virtues of courage and patriotism have given recent proof of their continued presence and increasing power in the hearts and over the lives of our people. The influences of religion have been multiplied and strengthened. The sweet offices of charity have greatly increased. The virtue of temperance is held in higher estimation. We have not attained an ideal condition. Not all of our people are happy and prosperous; not all of them are virtuous and law-abiding. But on the whole the opportunities offered to the individual to secure the comforts of life are better than are found elsewhere and largely better than they were here one hundred years ago.

The surrender of a large measure of sovereignty to the General Government, effected by the adoption of the Constitution, was not accomplished until the suggestions of reason were strongly reenforced by the more imperative voice of experience. The divergent interests of peace speedily demanded a "more perfect union." The merchant, the shipmaster, and the manufacturer discovered and disclosed to our statesmen and to the people that commercial emancipation must be added to the political freedom which had been so bravely won. The commercial policy of the mother country had not relaxed any of its hard and oppressive features. To hold in check the development of our commercial marine, to prevent or retard the establishment and growth of manufactures in the States, and so to secure the American market for their shops and the carrying trade for their ships, was the policy of European statesmen, and was pursued with the most selfish vigor.

Petitions poured in upon Congress urging the imposition of discriminating duties that should encourage the production of needed things at home. The patriotism of the people, which no longer found a field of exercise in war, was energetically directed to the duty of equipping the young Republic for the defense of its independence by making its people self-dependent. Societies for the promotion of home manufactures and for encouraging the use of domestics in the dress of the people were organized in many of the States. The revival at the end of the century of the same patriotic interest in the preservation and development of domestic industries and the defense of our working people against injurious foreign competition is an incident worthy of attention. It is not

a departure but a return that we have witnessed. The protective policy had then its opponents. The argument was made, as now, that its benefits inured to particular classes or sections.

If the question became in any sense or at any time sectional, it was only because slavery existed in some of the States. But for this there was no reason why the cotton-producing States should not have led or walked abreast with the New England States in the production of cotton fabrics. There was this reason only why the States that divide with Pennsylvania the mineral treasures of the great southeastern and central mountain ranges should have been so tardy in bringing to the smelting furnace and to the mill the coal and iron from their near opposing hillsides. Mill fires were lighted at the funeral pile of slavery. The emancipation proclamation was heard in the depths of the earth as well as in the sky; men were made free, and material things became our better servants.

The sectional element has happily been eliminated from the tariff discussion. We have no longer States that are necessarily only planting States. None are excluded from achieving that diversification of pursuits among the people which brings wealth and contentment. The cotton plantation will not be less valuable when the product is spun in the country town by operatives whose necessities call for diversified crops and create a home demand for garden and agricultural products. Every new mine, furnace, and factory is an extension of the productive capacity of the State more real and valuable than added territory.

Shall the prejudices and paralysis of slavery continue to hang upon the skirts of progress? How long will those who rejoice that slavery no longer exists cherish or tolerate the incapacities it put upon their communities? I look hopefully to the continuance of our protective system and to the consequent development of manufacturing and mining enterprises in the States hitherto wholly given to agriculture as a potent influence in the perfect unification of our people. The men who have invested their capital in these enterprises, the farmers who have felt the benefit of their neighborhood, and the men who work in shop or field will not fail to find and to defend a community of interest.

Is it not quite possible that the farmers and the promoters of the great mining and manufacturing enterprises which have recently been established in the South may yet find that the free ballot of the workingman, without distinction of race, is needed for their defense as well as for his own? I do not doubt that if those men in the South who now accept the tariff views of Clay and the constitutional expositions of Webster would courageously avow and defend their real convictions they would not find it difficult, by friendly instruction and cooperation, to make the black man their efficient and safe ally, not only in establishing correct principles in our national administration, but in preserving for their local communities the benefits of social order and economical and honest government. At

least until the good offices of kindness and education have been fairly tried the contrary conclusion can not be plausibly urged.

I have altogether rejected the suggestion of a special Executive policy for any section of our country. It is the duty of the Executive to administer and enforce in the methods and by the instrumentalities pointed out and provided by the Constitution all the laws enacted by Congress. These laws are general and their administration should be uniform and equal. As a citizen may not elect what laws he will obey, neither may the Executive elect which he will enforce. The duty to obey and to execute embraces the Constitution in its entirety and the whole code of laws enacted under it. The evil example of permitting individuals, corporations, or communities to nullify the laws because they cross some selfish or local interest or prejudices is full of danger, not only to the nation at large, but much more to those who use this pernicious expedient to escape their just obligations or to obtain an unjust advantage over others. They will presently themselves be compelled to appeal to the law for protection, and those who would use the law as a defense must not deny that use of it to others.

If our great corporations would more scrupulously observe their legal limitations and duties, they would have less cause to complain of the unlawful limitations of their rights or of violent interference with their operations. The community that by concert, open or secret, among its citizens denies to a portion of its members their plain rights under the law has severed the only safe bond of social order and prosperity. The evil works from a bad center both ways. It demoralizes those who practice it and destroys the faith of those who suffer by it in the efficiency of the law as a safe protector. The man in whose breast that faith has been darkened is naturally the subject of dangerous and uncanny suggestions. Those who use unlawful methods, if moved by no higher motive than the selfishness that prompted them, may well stop and inquire what is to be the end of this.

An unlawful expedient can not become a permanent condition of government. If the educated and influential classes in a community either practice or connive at the systematic violation of laws that seem to them to cross their convenience, what can they expect when the lesson that convenience or a supposed class interest is a sufficient cause for lawlessness has been well learned by the ignorant classes? A community where law is the rule of conduct and where courts, not mobs, execute its penalties is the only attractive field for business investments and honest labor.

Our naturalization laws should be so amended as to make the inquiry into the character and good disposition of persons applying for citizenship more careful and searching. Our existing laws have been in their administration an unimpressive and often an unintelligible form. We accept the man as a citizen without any knowledge of his fitness, and he assumes the duties of citizenship without any knowledge as to what they

are. The privileges of American citizenship are so great and its duties so grave that we may well insist upon a good knowledge of every person applying for citizenship and a good knowledge by him of our institutions. We should not cease to be hospitable to immigration, but we should cease to be careless as to the character of it. There are men of all races, even the best, whose coming is necessarily a burden upon our public revenues or a threat to social order. These should be identified and excluded.

We have happily maintained a policy of avoiding all interference with European affairs. We have been only interested spectators of their contentions in diplomacy and in war, ready to use our friendly offices to promote peace, but never obtruding our advice and never attempting unfairly to coin the distresses of other powers into commercial advantage to ourselves. We have a just right to expect that our European policy will be the American policy of European courts.

It is so manifestly incompatible with those precautions for our peace and safety which all the great powers habitually observe and enforce in matters affecting them that a shorter waterway between our eastern and western seaboards should be dominated by any European Government that we may confidently expect that such a purpose will not be entertained by any friendly power.

We shall in the future, as in the past, use every endeavor to maintain and enlarge our friendly relations with all the great powers, but they will not expect us to look kindly upon any project that would leave us subject to the dangers of a hostile observation or environment. We have not sought to dominate or to absorb any of our weaker neighbors, but rather to aid and encourage them to establish free and stable governments resting upon the consent of their own people. We have a clear right to expect, therefore, that no European Government will seek to establish colonial dependencies upon the territory of these independent American States. That which a sense of justice restrains us from seeking they may be reasonably expected willingly to forego.

It must not be assumed, however, that our interests are so exclusively American that our entire inattention to any events that may transpire elsewhere can be taken for granted. Our citizens domiciled for purposes of trade in all countries and in many of the islands of the sea demand and will have our adequate care in their personal and commercial rights. The necessities of our Navy require convenient coaling stations and dock and harbor privileges. These and other trading privileges we will feel free to obtain only by means that do not in any degree partake of coercion, however feeble the government from which we ask such concessions. But having fairly obtained them by methods and for purposes entirely consistent with the most friendly disposition toward all other powers, our consent will be necessary to any modification or impairment of the concession.

We shall neither fail to respect the flag of any friendly nation or the just rights of its citizens, nor to exact the like treatment for our own. Calmness, justice, and consideration should characterize our diplomacy. The offices of an intelligent diplomacy or of friendly arbitration in proper cases should be adequate to the peaceful adjustment of all international difficulties. By such methods we will make our contribution to the world's peace, which no nation values more highly, and avoid the opprobrium which must fall upon the nation that ruthlessly breaks it.

The duty devolved by law upon the President to nominate and, by and with the advice and consent of the Senate, to appoint all public officers whose appointment is not otherwise provided for in the Constitution or by act of Congress has become very burdensome and its wise and efficient discharge full of difficulty. The civil list is so large that a personal knowledge of any large number of the applicants is impossible. The President must rely upon the representations of others, and these are often made inconsiderately and without any just sense of responsibility. I have a right, I think, to insist that those who volunteer or are invited to give advice as to appointments shall exercise consideration and fidelity. A high sense of duty and an ambition to improve the service should characterize all public officers.

There are many ways in which the convenience and comfort of those who have business with our public offices may be promoted by a thoughtful and obliging officer, and I shall expect those whom I may appoint to justify their selection by a conspicuous efficiency in the discharge of their duties. Honorable party service will certainly not be esteemed by me a disqualification for public office, but it will in no case be allowed to serve as a shield of official negligence, incompetency, or delinquency. It is entirely creditable to seek public office by proper methods and with proper motives, and all applicants will be treated with consideration; but I shall need, and the heads of Departments will need, time for inquiry and deliberation. Persistent importunity will not, therefore, be the best support of an application for office. Heads of Departments, bureaus, and all other public officers having any duty connected therewith will be expected to enforce the civil-service law fully and without evasion. Beyond this obvious duty I hope to do something more to advance the reform of the civil service. The ideal, or even my own ideal, I shall probably not attain. Retrospect will be a safer basis of judgment than promises. We shall not, however, I am sure, be able to put our civil service upon a nonpartisan basis until we have secured an incumbency that fair-minded men of the opposition will approve for impartiality and integrity. As the number of such in the civil list is increased removals from office will diminish.

While a Treasury surplus is not the greatest evil, it is a serious evil. Our revenue should be ample to meet the ordinary annual demands upon our Treasury, with a sufficient margin for those extraordinary but

scarcely less imperative demands which arise now and then. Expenditure should always be made with economy and only upon public necessity. Wastefulness, profligacy, or favoritism in public expenditures is criminal. But there is nothing in the condition of our country or of our people to suggest that anything presently necessary to the public prosperity, security, or honor should be unduly postponed.

It will be the duty of Congress wisely to forecast and estimate these extraordinary demands, and, having added them to our ordinary expenditures, to so adjust our revenue laws that no considerable annual surplus will remain. We will fortunately be able to apply to the redemption of the public debt any small and unforeseen excess of revenue. This is better than to reduce our income below our necessary expenditures, with the resulting choice between another change of our revenue laws and an increase of the public debt. It is quite possible, I am sure, to effect the necessary reduction in our revenues without breaking down our protective tariff or seriously injuring any domestic industry.

The construction of a sufficient number of modern war ships and of their necessary armament should progress as rapidly as is consistent with care and perfection in plans and workmanship. The spirit, courage, and skill of our naval officers and seamen have many times in our history given to weak ships and inefficient guns a rating greatly beyond that of the naval list. That they will again do so upon occasion I do not doubt; but they ought not, by premeditation or neglect, to be left to the risks and exigencies of an unequal combat. We should encourage the establishment of American steamship lines. The exchanges of commerce demand stated, reliable, and rapid means of communication, and until these are provided the development of our trade with the States lying south of us is impossible.

Our pension laws should give more adequate and discriminating relief to the Union soldiers and sailors and to their widows and orphans. Such occasions as this should remind us that we owe everything to their valor and sacrifice.

It is a subject of congratulation that there is a near prospect of the admission into the Union of the Dakotas and Montana and Washington Territories. This act of justice has been unreasonably delayed in the case of some of them. The people who have settled these Territories are intelligent, enterprising, and patriotic, and the accession of these new States will add strength to the nation. It is due to the settlers in the Territories who have availed themselves of the invitations of our land laws to make homes upon the public domain that their titles should be speedily adjusted and their honest entries confirmed by patent.

It is very gratifying to observe the general interest now being manifested in the reform of our election laws. Those who have been for years calling attention to the pressing necessity of throwing about the ballot box and about the elector further safeguards, in order that our

elections might not only be free and pure, but might clearly appear to be so, will welcome the accession of any who did not so soon discover the need of reform. The National Congress has not as yet taken control of elections in that case over which the Constitution gives it jurisdiction, but has accepted and adopted the election laws of the several States, provided penalties for their violation and a method of supervision. Only the inefficiency of the State laws or an unfair partisan administration of them could suggest a departure from this policy.

It was clearly, however, in the contemplation of the framers of the Constitution that such an exigency might arise, and provision was wisely made for it. The freedom of the ballot is a condition of our national life, and no power vested in Congress or in the Executive to secure or perpetuate it should remain unused upon occasion. The people of all the Congressional districts have an equal interest that the election in each shall truly express the views and wishes of a majority of the qualified electors residing within it. The results of such elections are not local, and the insistence of electors residing in other districts that they shall be pure and free does not savor at all of impertinence.

If in any of the States the public security is thought to be threatened by ignorance among the electors, the obvious remedy is education. The sympathy and help of our people will not be withheld from any community struggling with special embarrassments or difficulties connected with the suffrage if the remedies proposed proceed upon lawful lines and are promoted by just and honorable methods. How shall those who practice election frauds recover that respect for the sanctity of the ballot which is the first condition and obligation of good citizenship? The man who has come to regard the ballot box as a juggler's hat has renounced his allegiance.

Let us exalt patriotism and moderate our party contentions. Let those who would die for the flag on the field of battle give a better proof of their patriotism and a higher glory to their country by promoting fraternity and justice. A party success that is achieved by unfair methods or by practices that partake of revolution is hurtful and evanescent even from a party standpoint. We should hold our differing opinions in mutual respect, and, having submitted them to the arbitrament of the ballot, should accept an adverse judgment with the same respect that we would have demanded of our opponents if the decision had been in our favor.

No other people have a government more worthy of their respect and love or a land so magnificent in extent, so pleasant to look upon, and so full of generous suggestion to enterprise and labor. God has placed upon our head a diadem and has laid at our feet power and wealth beyond definition or calculation. But we must not forget that we take these gifts upon the condition that justice and mercy shall hold the reins of power and that the upward avenues of hope shall be free to all the people.

I do not mistrust the future. Dangers have been in frequent ambush

along our path, but we have uncovered and vanquished them all. Passion has swept some of our communities, but only to give us a new demonstration that the great body of our people are stable, patriotic, and law-abiding. No political party can long pursue advantage at the expense of public honor or by rude and indecent methods without protest and fatal disaffection in its own body. The peaceful agencies of commerce are more fully revealing the necessary unity of all our communities, and the increasing intercourse of our people is promoting mutual respect. We shall find unalloyed pleasure in the revelation which our next census will make of the swift development of the great resources of some of the States. Each State will bring its generous contribution to the great aggregate of the nation's increase. And when the harvests from the fields, the cattle from the hills, and the ores of the earth shall have been weighed, counted, and valued, we will turn from them all to crown with the highest honor the State that has most promoted education, virtue, justice, and patriotism among its people.

MARCH 4, 1889.

SPECIAL MESSAGE.

EXECUTIVE MANSION, *March 11, 1889.*

To the Senate of the United States:

I transmit herewith, in answer to the Senate resolution of the 11th ultimo, a report of the Secretary of State, with accompanying papers, in regard to the case of Louis Riel, otherwise known as Louis David Riel.*

BENJ. HARRISON.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The following provisions of the laws of the United States are hereby published for the information of all concerned:

Section 1956, Revised Statutes, chapter 3, Title XXIII, enacts that—

No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory or in the waters thereof; and every person guilty thereof shall for each offense be fined not less than $200 nor more than $1,000, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of

*Tried and executed by the authorities of British North America for complicity in the rebellion in the Northwest Territory.

any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulations as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur seal and to provide for the execution of the provisions of this section until it is otherwise provided by law, nor shall he grant any special privileges under this section.

* * * * * * *

Section 3 of the act entitled "An act to provide for the protection of the salmon fisheries of Alaska," approved March 2, 1889, provides that—

SEC. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Bering Sea, and it shall be the duty of the President at a timely season in each year to issue his proclamation, and cause the same to be published for one month in at least one newspaper (if any such there be) published at each United States port of entry on the Pacific coast, warning all persons against entering such waters for the purpose of violating the provisions of said section, and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein.

Now, therefore, I, Benjamin Harrison, President of the United States, pursuant to the above-recited statutes, hereby warn all persons against entering the waters of Bering Sea within the dominion of the United States for the purpose of violating the provisions of said section 1956, Revised Statutes; and I hereby proclaim that all persons found to be or have been engaged in any violation of the laws of the United States in said waters will be arrested and punished as above provided, and that all vessels so employed, their tackle, apparel, furniture, and cargoes, will be seized and forfeited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 21st day of March, 1889, and of the Independence of the United States the one hundred and thirteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION

Whereas, pursuant to section 8 of the act of Congress approved March 3, 1885, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," certain articles of cession and agreement were made and concluded at the city of Washington on the 19th day of January, A. D 1889, by and between the United States of America and the

Muscogee (or Creek) Nation of Indians, whereby the said Muscogee (or Creek) Nation of Indians, for the consideration therein mentioned, ceded and granted to the United States, without reservation or condition, full and complete title to the entire western half of the domain of the said Muscogee (or Creek) Nation in the Indian Territory, lying west of the division line surveyed and established under the treaty with said nation dated the 14th day of June, 1866, and also granted and released to the United States all and every claim, estate, right, or interest of any and every description in and to any and all land and territory whatever, except so much of the former domain of said Muscogee (or Creek) Nation as lies east of said line of division surveyed and established as aforesaid, and then used and occupied as the home of said nation, and which articles of cession and agreement were duly accepted, ratified, and confirmed by said Muscogee (or Creek) Nation of Indians by act of its council approved on the 31st day of January, 1889, and by the United States by act of Congress approved March 1, 1889; and

Whereas by section 12 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes," approved March 2, 1889, a sum of money was appropriated to pay in full the Seminole Nation of Indians for all the right, title, interest, and claim which said nation of Indians might have in and to certain lands ceded by article 3 of the treaty between the United States and said nation of Indians concluded June 14, 1866, and proclaimed August 16, 1866, said appropriation to become operative upon the execution by the duly appointed delegates of said nation specially empowered to do so of a release and conveyance to the United States of all right, title, interest, and claim of said nation of Indians in and to said lands in manner and form satisfactory to the President of the United States; and

Whereas said release and conveyance, bearing date the 16th day of March, 1889, has been duly and fully executed, approved, and delivered; and

Whereas section 13 of the act last aforesaid, relating to said lands, provides as follows:

SEC. 13. That the lands acquired by the United States under said agreement shall be a part of the public domain, to be disposed of only as herein provided; and sections 16 and 36 of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools to be established within the limits of said land under such conditions and regulations as may be hereafter enacted by Congress

That the lands acquired by conveyance from the Seminole Indians hereunder, except the sixteenth and thirty-sixth sections, shall be disposed of to actual settlers under the homestead laws only, except as herein otherwise provided (except that section 2301 of the Revised Statutes shall not apply): *And provided further*, That any person who, having attempted to but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the

commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That the rights of honorably discharged Union soldiers and sailors in the late Civil War as defined and described in sections 2304 and 2305 of the Revised Statutes shall not be abridged: *And provided further*, That each entry shall be in square form as nearly as practicable, and no person be permitted to enter more than one quarter section thereof, but until said lands are opened for settlement by proclamation of the President no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall ever be permitted to enter any of said lands or acquire any right thereto.

The Secretary of the Interior may, after said proclamation and not before, permit entry of said lands for town sites, under sections 2387 and 2388 of the Revised Statutes, but no such entry shall embrace more than one half section of land.

That all the foregoing provisions with reference to lands to be acquired from the Seminole Indians, including the provisions pertaining to forfeiture, shall apply to and regulate the disposal of the lands acquired from the Muscogee (or Creek) Indians by articles of cession and agreement made and concluded at the city of Washington on the 19th day of January, A. D. 1889.

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by said act of Congress approved March 2, 1889, aforesaid, do hereby declare and make known that so much of the lands as aforesaid acquired from or conveyed by the Muscogee (or Creek) Nation of Indians and from or by the Seminole Nation of Indians, respectively, as is contained within the following-described boundaries, viz:

Beginning at a point where the degree of longitude 98 west from Greenwich, as surveyed in the years 1858 and 1871, intersects the Canadian River; thence north along and with the said degree to a point where the same intersects the Cimarron River; thence up said river, along the right bank thereof, to a point where the same is intersected by the south line of what is known as the Cherokee lands lying west of the Arkansas River, or as the "Cherokee Outlet," said line being the north line of the lands ceded by the Muscogee (or Creek) Nation of Indians to the United States by the treaty of June 14, 1866; thence east along said line to a point where the same intersects the west line of the lands set apart as a reservation for the Pawnee Indians by act of Congress approved April 10, 1876, being the range line between ranges 4 and 5 east of the Indian meridian; thence south on said line to a point where the same intersects the middle of the main channel of the Cimarron River; thence up said river, along the middle of the main channel thereof, to a point where the same intersects the range line between range 1 east and range 1 west (being the Indian meridian), which line forms the western boundary of the reservations set apart, respectively, for the Iowa and Kickapoo Indians by Executive orders dated, respectively, August 15, 1883; thence south along said range line or meridian to a point where the same intersects the right bank of the North Fork of the Canadian River; thence up said river, along the right bank thereof, to a point where the same is intersected by the west line of the reservation occupied by the Citizen band of Pottawatomies and the Absentee Shawnee Indians, set apart

under the provisions of the treaty of February 27, 1867, between the United States and the Pottawatomie tribe of Indians, and referred to in the act of Congress approved May 23, 1872; thence south along the said west line of the aforesaid reservation to a point where the same intersects the middle of the main channel of the Canadian River; thence up the said river, along the middle of the main channel thereof, to a point opposite to the place of beginning, and thence north to the place of beginning (saving and excepting 1 acre of land in square form in the northwest corner of section 9, in township 16 north, range 2 west of the Indian meridian in Indian Territory, and also 1 acre of land in the southeast corner of the northwest quarter of section 15, township 16 north, range 7 west of the Indian meridian in the Indian Territory, which last-described 2 acres are hereby reserved for Government use and control), will, at and after the hour of 12 o'clock noon of the 22d day of April next, and not before, be open for settlement, under the terms of and subject to all the conditions, limitations, and restrictions contained in said act of Congress approved March 2, 1889, and the laws of the United States applicable thereto.

And it is hereby expressly declared and made known that no other parts or portions of the lands embraced within the Indian Territory than those herein specifically described and declared to be open to settlement at the time above named and fixed are to be considered as open to settlement under this proclamation or the act of March 2, 1889, aforesaid.

And warning is hereby again expressly given that no person entering upon and occupying said lands before said hour of 12 o'clock noon of the 22d day of April, A. D. 1889, hereinbefore fixed, will ever be permitted to enter any of said lands or acquire any rights thereto, and that the officers of the United States will be required to strictly enforce the provision of the act of Congress to the above effect.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 23d day of March, A. D. 1889, and of the Independence of the United States the one hundred and thirteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

A hundred years have passed since the Government which our forefathers founded was formally organized. At noon on the 30th day of April, 1789, in the city of New York, and in the presence of an assemblage of the heroic men whose patriotic devotion had led the colonies to

victory and independence, George Washington took the oath of office as Chief Magistrate of the new-born Republic. This impressive act was preceded at 9 o'clock in the morning in all the churches of the city by prayer for God's blessing on the Government and its first President.

The centennial of this illustrious event in our history has been declared a general holiday by act of Congress, to the end that the people of the whole country may join in commemorative exercises appropriate to the day.

In order that the joy of the occasion may be associated with a deep thankfulness in the minds of the people for all our blessings in the past and a devout supplication to God for their gracious continuance in the future, the representatives of the religious creeds, both Christian and Hebrew, have memorialized the Government to designate an hour for prayer and thanksgiving on that day.

Now, therefore, I, Benjamin Harrison, President of the United States of America, in response to this pious and reasonable request, do recommend that on Tuesday, April 30, at the hour of 9 o'clock in the morning, the people of the entire country repair to their respective places of divine worship to implore the favor of God that the blessings of liberty, prosperity, and peace may abide with us as a people, and that His hand may lead us in the paths of righteousness and good deeds.

In witness whereof I have hereunto set my hand and caused the seal of the United States of America to be affixed.

[SEAL.] Done in the city of Washington, this 4th day of April, A. D. 1889, and of the Independence of the United States the one hundred and thirteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

A highly favored people, mindful of their dependence on the bounty of Divine Providence, should seek fitting occasion to testify gratitude and ascribe praise to Him who is the author of their many blessings. It behooves us, then, to look back with thankful hearts over the past year and bless God for His infinite mercy in vouchsafing to our land enduring peace, to our people freedom from pestilence and famine, to our husbandmen abundant harvests, and to them that labor a recompense of their toil.

Now, therefore, I, Benjamin Harrison, President of the United States of America, do earnestly recommend that Thursday, the 28th day of this present month of November, be set apart as a day of national thanksgiving and prayer, and that the people of our country, ceasing from the

cares and labors of their working day, shall assemble in their respective places of worship and give thanks to God, who has prospered us on our way and made our paths the paths of peace, beseeching Him to bless the day to our present and future good, making it truly one of thanksgiving for each reunited home circle as for the nation at large.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of November, A. D. 1889, and of the Independence of the United States the one hundred and fourteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Congress of the United States did by an act approved on the 22d day of February, 1889, provide that the inhabitants of the Territory of Dakota might upon the conditions prescribed in said act become the States of North Dakota and South Dakota; and

Whereas it was provided by said act that the area comprising the Territory of Dakota should for the purposes of the act be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory, and that the delegates elected as therein provided to the constitutional convention in districts north of said parallel should assemble in convention at the time prescribed in the act at the city of Bismarck; and

Whereas it was provided by the said act that the delegates elected as aforesaid should, after they had met and organized, declare on behalf of the people of North Dakota that they adopt the Constitution of the United States, whereupon the said convention should be authorized to form a constitution and State government for the proposed State of North Dakota; and

Whereas it was provided by said act that the constitution so adopted should be republican in form and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and that the convention should, by an ordinance irrevocable without the consent of the United States and the people of said States, make certain provisions prescribed in said act; and

Whereas it was provided by said act that the constitutions of North Dakota and South Dakota should, respectively, incorporate an agreement, to be reached in accordance with the provision of the act, for an

equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also for the apportionment of the debts and liabilities of said Territory, and that each of said States should obligate itself to pay its proportion of such debts and liabilities the same as if they had been created by such States, respectively; and

Whereas it was provided by said act that the constitution thus formed for the people of North Dakota should, by an ordinance of the convention forming the same, be submitted to the people of North Dakota at an election to be held therein on the first Tuesday in October, 1889, for ratification or rejection by the qualified voters of said proposed State, and that the returns of said election should be made to the secretary of the Territory of Dakota, who, with the governor and chief justice thereof, or any two of them, should canvass the same, and if a majority of the legal votes cast should be for the constitution the governor should certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances; and

Whereas it has been certified to me by the governor of the Territory of Dakota that within the time prescribed by said act of Congress a constitution for the proposed State of North Dakota has been adopted and the same ratified by a majority of the qualified voters of said proposed State in accordance with the conditions prescribed in said act; and

Whereas it is also certified to me by the said governor that at the same time that the body of said constitution was submitted to a vote of the people a separate article, numbered 20 and entitled "Prohibition," was also submitted and received a majority of all the votes cast for and against said article, as well as a majority of all the votes cast for and against the constitution, and was adopted; and

Whereas a duly authenticated copy of said constitution, article, ordinances, and propositions, as required by said act, has been received by me:

Now, therefore, I, Benjamin Harrison, President of the United States of America, do, in accordance with the provisions of the act of Congress aforesaid, declare and proclaim the fact that the conditions imposed by Congress on the State of North Dakota to entitle that State to admission to the Union have been ratified and accepted and that the admission of the said State into the Union is now complete.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 2d day of November, A. D. 1889, and of the Independence of the United States of America the one hundred and fourteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Congress of the United States did by an act approved on the 22d day of February, 1889, provide that the inhabitants of the Territory of Dakota might upon the conditions prescribed in the said act become the States of North Dakota and South Dakota; and

Whereas it was provided by said act that the area comprising the Territory of Dakota should for the purposes of the act be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory, and that the delegates elected as therein provided to the constitutional convention in districts south of said parallel should at the time prescribed in the act assemble in convention at the city of Sioux Falls; and

Whereas it was provided by the said act that the delegates elected as aforesaid should, after they had met and organized, declare on behalf of the people of South Dakota that they adopt the Constitution of the United States, whereupon the said convention should be authorized to form a constitution and State government for the proposed State of South Dakota; and

Whereas it was provided by said act that the constitution so adopted should be republican in form and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and that the convention should, by an ordinance irrevocable without the consent of the United States and the people of said States, make certain provisions prescribed in said act; and

Whereas it was provided by said act that the constitutions of North Dakota and South Dakota should, respectively, incorporate an agreement, to be reached in accordance with the provisions of the act, for an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also for the apportionment of the debts and liabilities of said Territory, and that each of said States should obligate itself to pay its proportion of such debts and liabilities the same as if they had been created by such States respectively; and

Whereas it was provided by said act that at the election for delegates to the constitutional convention in South Dakota, as therein provided, each elector might have written or printed on his ballot the words "For the Sioux Falls constitution" or the words "Against the Sioux Falls constitution;" that the votes on this question should be returned and canvassed in the same manner as the votes for the election of delegates, and if a majority of all votes cast on this question should be "For the Sioux Falls constitution" it should be the duty of the convention which

might assemble at Sioux Falls, as provided in the act, to resubmit to the people of South Dakota, for ratification or rejection, at an election provided for in said act, the constitution framed at Sioux Falls and adopted November 3, 1885, and also the articles and propositions separately submitted at that election, including the question of locating the temporary seat of government, with such changes only as related to the name and boundary of the proposed State, to the reapportionment of the judicial and legislative districts, and such amendments as might be necessary in order to comply with the provisions of the act; and

Whereas it was provided by said act that the constitution formed for the people of South Dakota should, by an ordinance of the convention forming the same, be submitted to the people of South Dakota at an election to be held therein on the first Tuesday in October, 1889, for ratification or rejection by the qualified voters of said proposed State, and that the returns of said election should be made to the secretary of the Territory of Dakota, who, with the governor and chief justice thereof, or any two of them, should canvass the same, and if a majority of the legal votes cast should be for the constitution the governor should certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances; and

Whereas it has been certified to me by the governor of the Territory of Dakota that at the aforesaid election for delegates the "Sioux Falls constitution" was submitted to the people of the proposed State of South Dakota, as provided in the said act; that a majority of all the votes cast on this question was "For the Sioux Falls constitution," and that the said constitution was at the time prescribed in the act resubmitted to the people of South Dakota, with proper changes and amendments, and has been adopted and ratified by a majority of the qualified voters of said proposed State in accordance with the conditions prescribed in said act; and

Whereas it is also certified to me by the said governor that at the same time that the body of said constitution was submitted to a vote of the people two additional articles were submitted separately, to wit, an article numbered 24, entitled "Prohibition," which received a majority of all the votes cast for and against said article, as well as a majority of all the votes cast for and against the constitution, and was adopted; and an article numbered 25, entitled "Minority representation," which did not receive a majority of the votes cast thereon or upon the constitution, and was rejected; and

Whereas a duly authenticated copy of said constitution, additional articles, ordinances, and propositions, as required by said act, has been received by me:

Now, therefore, I, Benjamin Harrison, President of the United States of America, do, in accordance with the act of Congress aforesaid, declare and proclaim the fact that the conditions imposed by Congress on the

State of South Dakota to entitle that State to admission to the Union have been ratified and accepted and that the admission of the said State into the Union is now complete.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 2d day of November, A. D. 1889, and of the Independence of the United States of America the one hundred and fourteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Congress of the United States did by an act approved on the 22d day of February, 1889, provide that the inhabitants of the Territory of Montana might upon the conditions prescribed in said act become the State of Montana; and

Whereas it was provided by said act that delegates elected as therein provided to a constitutional convention in the Territory of Montana should meet at the seat of government of said Territory, and that after they had met and organized they should declare on behalf of the people of Montana that they adopt the Constitution of the United States, whereupon the said convention should be authorized to form a State government for the proposed State of Montana; and

Whereas it was provided by said act that the constitution so adopted should be republican in form and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and that the convention should, by an ordinance irrevocable without the consent of the United States and the people of said State, make certain provisions prescribed in said act; and

Whereas it was provided by said act that the constitution thus formed for the people of Montana should, by an ordinance of the convention forming the same, be submitted to the people of Montana at an election to be held therein on the 1st Tuesday in October, 1889, for ratification or rejection by the qualified voters of said proposed State, and that the returns of said election should be made to the secretary of said Territory, who, with the governor and chief justice thereof, or any two of them, should canvass the same, and if a majority of the legal votes cast should be for the constitution the governor should certify the result to the President of the United States, together with a statement of the votes cast

thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances; and

Whereas it has been certified to me by the governor of said Territory that within the time prescribed by said act of Congress a constitution for the proposed State of Montana has been adopted, and that the same, together with two ordinances connected therewith, has been ratified by a majority of the qualified voters of said proposed State in accordance with the conditions prescribed in said act; and

Whereas a duly authenticated copy of said constitution and ordinances, as required by said act, has been received by me:

Now, therefore, I, Benjamin Harrison, President of the United States of America, do, in accordance with the provisions of the act of Congress aforesaid, declare and proclaim the fact that the conditions imposed by Congress on the State of Montana to entitle that State to admission to the Union have been ratified and accepted and that the admission of the said State into the Union is now complete.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 8th day of November, A. D. 1889, and of the Independence of the United States of America the one hundred and fourteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Congress of the United States did by an act approved on the 22d day of February, 1889, provide that the inhabitants of the Territory of Washington might upon the conditions prescribed in said act become the State of Washington; and

Whereas it was provided by said act that delegates elected as therein provided to a constitutional convention in the Territory of Washington should meet at the seat of government of said Territory, and that after they had met and organized they should declare on behalf of the people of Washington that they adopt the Constitution of the United States, whereupon the said convention should be authorized to form a State government for the proposed State of Washington; and

Whereas it was provided by said act that the constitution so adopted should be republican in form and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and that the convention should

by an ordinance irrevocable without the consent of the United States and the people of said State, make certain provisions prescribed in said act; and

Whereas it was provided by said act that the constitution thus formed for the people of Washington should, by an ordinance of the convention forming the same, be submitted to the people of Washington at an election to be held therein on the first Tuesday in October, 1889, for ratification or rejection by the qualified voters of said proposed State, and that the returns of said election should be made to the secretary of said Territory, who, with the governor and chief justice thereof, or any two of them, should canvass the same, and if a majority of the legal votes cast should be for the constitution the governor should certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances; and

Whereas it has been certified to me by the governor of said Territory that within the time prescribed by said act of Congress a constitution for the proposed State of Washington has been adopted, and that the same has been ratified by a majority of the qualified voters of said proposed State in accordance with the conditions prescribed in said act; and

Whereas it is also certified to me by the said governor that at the same time the body of said constitution was submitted to a vote of the people two separate articles, entitled "Woman suffrage" and "Prohibition," were likewise submitted, which said separate articles did not receive a majority of the votes cast thereon or upon the constitution, and were rejected; also that at the same election the question of the location of a permanent seat of government was so submitted, and that no place received a majority of all the votes cast upon said question; and

Whereas a duly authenticated copy of said constitution and articles, as required by said act, has been received by me:

Now, therefore, I, Benjamin Harrison, President of the United States of America, do, in accordance with the provisions of the act of Congress aforesaid, declare and proclaim the fact that the conditions imposed by Congress on the State of Washington to entitle that State to admission to the Union have been ratified and accepted and that the admission of the said State into the Union is now complete.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of November, A. D. 1889, and of the Independence of the United States of America the one hundred and fourteenth.

BENJ. HARRISON

By the President:

JAMES G. BLAINE,

Secretary of State.

EXECUTIVE ORDERS.

EXECUTIVE MANSION,
Washington March 11, 1889.

Whereas civil-service rules for the railway mail service were approved January 4, 1889, to go into effect March 15, 1889; and

Whereas it is represented to me by the Civil Service Commission in a communication of this date that it will be impossible to complete arrangements for putting said rules into full effect on said date, or sooner than May 1, 1889:

It is therefore ordered, That said railway mail rules shall take effect May 1, 1889, instead of March 15, 1889: *Provided*, That such rules shall become operative and take effect in any State or Territory as soon as an eligible register for such State or Territory shall be prepared, if it shall be prior to the date above fixed.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

EXECUTIVE MANSION, *April 17, 1889.*

Special Departmental Rule No. 1 is hereby amended by including among the places excepted from examination thereunder in section 2 the following: "and inspector of furniture."

As amended so much of that section as relates to the office of Secretary of the Treasury will read as follows:

2. In the Department of the Treasury, in the office of the Secretary: Government actuary and inspector of furniture.

BENJ. HARRISON.

REGULATIONS FOR THE DISTRIBUTION OF ARMS, ORDNANCE STORES, QUARTERMASTER'S STORES, AND CAMP EQUIPAGE TO THE TERRITORIES AND THE DISTRICT OF COLUMBIA, PRESCRIBED BY THE PRESIDENT OF THE UNITED STATES IN CONFORMITY WITH THE SECOND SECTION OF THE ACT ENTITLED "AN ACT TO AMEND SECTION 1661, REVISED STATUTES, MAKING AN ANNUAL APPROPRIATION TO PROVIDE ARMS AND EQUIPMENTS FOR THE MILITIA."

EXECUTIVE MANSION, *April 23, 1889*

1. Arms, ordnance stores, quartermaster's stores, and camp equipage shall be issued to the Territories on requisitions of the governors thereof, and to the District of Columbia on requisitions approved by the senior general of the District militia present for duty. Returns shall be made annually by the senior general of the District militia in the manner as required

by sections 3 and 4 of the act above referred to in the case of States and Territories.

2. It is forbidden to make issues to States and Territories in excess of the amount to their credit under the provisions of section 1661, Revised Statutes, as amended by the above act.

3. Any regulations established hitherto which in any way conflict with these are hereby revoked.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

MAY 4, 1889.

Special Departmental Rule No. 1 is hereby amended by including among the places excepted from examination thereunder in section 2 the following: "custodian of dies, rolls, and plates at the Bureau of Engraving and Printing, two subcustodians, keeper of the vault, and distributer of stock."

As amended so much of that section as relates to the office of the Secretary of the Treasury will read:

2. In the Department of the Treasury, in the office of the Secretary: Government actuary, inspector of furniture, custodian of dies, rolls, and plates at the Bureau of Engraving and Printing, two subcustodians, keeper of the vault, and distributer of stock.

BENJ. HARRISON.

AMENDMENTS OF CIVIL-SERVICE RULES.

EXECUTIVE MANSION, *May 27, 1889.*

Departmental Rule VIII is hereby amended as follows:

At the end of section 1 insert an additional clause, as follows:

(*d*) From the office of the President of the United States, after two years' continuous service therein immediately preceding the transfer, to any place in the classified service without examination, upon the requisition of the head of the Department to which the transfer is to be made and the certification of the Commission.

In section 2, line 1, after the word "authorized," insert the following: "except as provided in section 1, clause (*d*)."

BENJ. HARRISON.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

EXECUTIVE MANSION, *May 29, 1889.*

It is hereby ordered, That the several Executive Departments and the Government Printing Office be closed on Thursday, the 30th instant, to enable the employees to participate in the decoration of the graves of the soldiers who fell during the rebellion.

BENJ. HARRISON.

EXECUTIVE MANSION, *June 7, 1889.*

In November, 1862, President Lincoln quoted the words of Washington to sustain his own views, and announced in a general order that—

The President, Commander in Chief of the Army and Navy, desires and enjoins the orderly observance of the Sabbath by the officers and men in the military and naval service. The importance for man and beast of the prescribed weekly rest, the sacred rights of Christian soldiers and sailors, a becoming deference to the best sentiment of a Christian people, and a due regard for the divine will demand that Sunday labor in the Army and Navy be reduced to the measure of strict necessity.

The truth so concisely stated can not be too faithfully regarded, and the pressure to ignore it is far less now than in the midst of war. To recall the kindly and considerate spirit of the orders issued by these great men in the most trying times of our history, and to promote contentment and efficiency, the President directs that Sunday-morning inspection will be merely of the dress and general appearance, without arms; and the more complete inspection under arms, with all men present, as required in paragraph 950, Army Regulations, 1889, will take place on Saturday.

BENJ. HARRISON.

By the President:

REDFIELD PROCTOR,

Secretary of War.

AMENDMENTS OF CIVIL-SERVICE RULES.

EXECUTIVE MANSION, *June 10, 1889.*

Special Departmental Rule No. 1 is hereby amended as follows:

In section 2, at the end of paragraph 1, insert the following: "foremen of laborers, skilled laborers, elevator conductors, foreman of cabinet shop, and cabinetmakers."

So that as amended so much of section 2 as relates to the office of the Secretary of the Treasury will read:

In the office of the Secretary: Government actuary, inspector of furniture, custodian of dies, rolls, and plates at the Bureau of Engraving and Printing, two subcustodians, keeper of the vault, and distributer of stock, foremen of laborers, skilled laborers, elevator conductors, foreman of cabinet shop, and cabinetmakers.

In section 3 strike out the last paragraph and insert in lieu thereof the following:

In the Geological Survey: General assistant, executive officer, chief photographer, editor, all scientific employees of the Geological Survey officially designated as follows: Chief geologist, geologist, assistant geologist, chief paleontologist, paleontologist, and assistant paleontologist, chief chemist, chemist, assistant chemist, chief physicist, physicist, assistant physicist, chief geographer, geographer, assistant geographer, chief topographer, topographer, assistant topographer, chief hydrographer, hydrographer, assistant hydrographer, supervising engineer, engineer, assistant engineer, paleontological draftsman, chief mechanician, mechanician, assistant mechanician.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

EXECUTIVE MANSION, *June 18, 1889.*

Departmental Rule X, Customs Rule VII, Postal Rule VII, and Railway Mail Rule VI are hereby amended by adding to each of said rules, at the end thereof, the following:

Provided, That certification may be made, subject to the other conditions of this rule, for the reinstatement of any person who served in the military or naval service of the United States in the late War of the Rebellion, and was honorably discharged therefrom, without regard to the length of time he has been separated from the service.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

JULY 26, 1889.

Clause (*h*) of section 2 of General Rule III is hereby amended by adding to that clause, at the end thereof, the following: "or for temporary appointment for not exceeding thirty days in any part of the classified service."

Approved:

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

JULY 26, 1889.

Section 5 of Railway Mail Rule II is hereby amended by adding an additional clause, as follows:

(*c*) Printers, employed as such.

Approved:

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

EXECUTIVE MANSION, *August 17, 1889.*

Clause 5 of Railway Mail Rule II is hereby amended by adding thereto the following clauses:

(*d*) Clerks employed exclusively as porters in handling mail matter in bulk, in sacks, or pouches, and not otherwise.

(*e*) Clerks employed exclusively on steamboats.

Approved:

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

AUGUST 20, 1889.

Clause 2 of Special Departmental Rule No. 1 is hereby amended by including among the places excepted from examination in the office of the Supervising Architect the following: "engineers and draftsmen of

classes 1, 2, 3, 4, and 5, not exceeding ten in all: *Provided*, That these ten places shall cease to be excepted places from and after June 30, 1890."

As thus amended so much of clause 2 as relates to the office of the Supervising Architect will read as follows:

In the office of the Supervising Architect: Supervising Architect, assistant and chief clerk, confidential clerk to Supervising Architect, photographer, engineers and draftsmen of classes 1, 2, 3, 4, and 5, not exceeding ten in all: *Provided*, That these ten places shall cease to be excepted places from and after June 30, 1890.

Approved:

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

OCTOBER 29, 1889.

Section 2 of Special Departmental Rule No. 1 is hereby amended by adding to the places excepted from examination in the Bureau of Engraving and Printing the following: "plate cleaners, transferrers, hardeners, provers, pressmen, machinists, plumbers, carpenters, and blacksmiths."

Approved:

BENJ. HARRISON.

AMENDMENTS OF CIVIL-SERVICE RULES.

Section 2 of Railway Mail Rule IV is hereby amended by substituting for clause (*b*) of said section the following:

(*b*) The Commission shall certify from the register of the State or Territory in which the vacancy exists the names of the three eligibles thereon having the highest averages, resident in the counties of said State or Territory through or on the borders of which the section of the road passes on which the person to be appointed is to serve, who have not been three times certified: *Provided*, That if there are not three eligibles resident in said counties, then certification shall be made in like manner from the counties of said State or Territory nearest to the line of said road in which there are three eligibles; or if there are not three eligibles upon the register of said State or Territory, then certification may be made from the register of any adjoining State or Territory: *Provided further*, That if upon the register of the State or Territory in which vacancy exists there are the names of eligibles having a claim of preference under section 1754, Revised Statutes, the names of such eligibles shall be certified before the names of other eligibles of higher grade.

At the end of the rule add an additional section, as follows:

7. In case of public and pressing exigency demanding the immediate employment of experienced railway mail clerks who can not be at once supplied in the manner provided for in section 2 of this rule, or by transfer under Rule V, or reappointment under Rule VI, there may be employed, without examination or certification, under such regulations as the Postmaster-General may prescribe, for a period not to exceed thirty days, which, with the consent of the Commission, may be extended to sixty days, any persons who have been in the railway mail service, who have the requisite knowledge and experience, who may be available. Every such employment and the reasons therefor shall be at once reported to the Commission.

Approved, November 1, 1889.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

Special Customs Rule No. 1 is hereby amended by adding to the places excepted from examination at the port of New York the following:

Office of the General Appraiser: Chief clerk and law clerk.

Approved, November 18, 1889. BENJ. HARRISON.

FIRST ANNUAL MESSAGE.

EXECUTIVE MANSION,
Washington, December 3, 1889.

To the Senate and House of Representatives:

There are few transactions in the administration of the Government that are even temporarily held in the confidence of those charged with the conduct of the public business. Every step taken is under the observation of an intelligent and watchful people. The state of the Union is known from day to day, and suggestions as to needed legislation find an earlier voice than that which speaks in these annual communications of the President to Congress.

Good will and cordiality have characterized our relations and correspondence with other governments, and the year just closed leaves few international questions of importance remaining unadjusted. No obstacle is believed to exist that can long postpone the consideration and adjustment of the still pending questions upon satisfactory and honorable terms. The dealings of this Government with other states have been and should always be marked by frankness and sincerity, our purposes avowed, and our methods free from intrigue. This course has borne rich fruit in the past, and it is our duty as a nation to preserve the heritage of good repute which a century of right dealing with foreign governments has secured to us.

It is a matter of high significance and no less of congratulation that the first year of the second century of our constitutional existence finds as honored guests within our borders the representatives of all the independent States of North and South America met together in earnest conference touching the best methods of perpetuating and expanding the relations of mutual interest and friendliness existing among them. That the opportunity thus afforded for promoting closer international relations and the increased prosperity of the States represented will be used for the mutual good of all I can not permit myself to doubt. Our people will await with interest and confidence the results to flow from so auspicious a meeting of allied and in large part identical interests.

The recommendations of this international conference of enlightened statesmen will doubtless have the considerate attention of Congress and its cooperation in the removal of unnecessary barriers to beneficial intercourse between the nations of America. But while the commercial results which it is hoped will follow this conference are worthy of pursuit and of the great interests they have excited, it is believed that the crowning benefit will be found in the better securities which may be devised for the maintenance of peace among all American nations and the settlement of all contentions by methods that a Christian civilization can approve. While viewing with interest our national resources and products, the delegates will, I am sure, find a higher satisfaction in the evidences of unselfish friendship which everywhere attend their intercourse with our people.

Another international conference having great possibilities for good has lately assembled and is now in session in this capital. An invitation was extended by the Government, under the act of Congress of July 9, 1888, to all maritime nations to send delegates to confer touching the revision and amendment of the rules and regulations governing vessels at sea and to adopt a uniform system of marine signals. The response to this invitation has been very general and very cordial. Delegates from twenty-six nations are present in the conference, and they have entered upon their useful work with great zeal and with an evident appreciation of its importance. So far as the agreement to be reached may require legislation to give it effect, the cooperation of Congress is confidently relied upon.

It is an interesting, if not, indeed, an unprecedented, fact that the two international conferences have brought together here the accredited representatives of thirty-three nations.

Bolivia, Ecuador, and Honduras are now represented by resident envoys of the plenipotentiary grade. All the States of the American system now maintain diplomatic representation at this capital.

In this connection it may be noted that all the nations of the Western Hemisphere, with one exception, send to Washington envoys extraordinary and ministers plenipotentiary, being the highest grade accredited to this Government. The United States, on the contrary, sends envoys of lower grades to some of our sister Republics. Our representative in Paraguay and Uruguay is a minister resident, while to Bolivia we send a minister resident and consul-general. In view of the importance of our relations with the States of the American system, our diplomatic agents in those countries should be of the uniform rank of envoy extraordinary and minister plenipotentiary. Certain missions were so elevated by the last Congress with happy effect, and I recommend the completion of the reform thus begun, with the inclusion also of Hawaii and Hayti, in view of their relations to the American system of states.

I also recommend that timely provision be made for extending to

Hawaii an invitation to be represented in the international conference now sitting at this capital.

Our relations with China have the attentive consideration which their magnitude and interest demand. The failure of the treaty negotiated under the Administration of my predecessor for the further and more complete restriction of Chinese labor immigration, and with it the legislation of the last session of Congress dependent thereon, leaves some questions open which Congress should now approach in that wise and just spirit which should characterize the relations of two great and friendly powers. While our supreme interests demand the exclusion of a laboring element which experience has shown to be incompatible with our social life, all steps to compass this imperative need should be accompanied with a recognition of the claim of those strangers now lawfully among us to humane and just treatment.

The accession of the young Emperor of China marks, we may hope, an era of progress and prosperity for the great country over which he is called to rule.

The present state of affairs in respect to the Samoan Islands is encouraging. The conference which was held in this city in the summer of 1887 between the representatives of the United States, Germany, and Great Britain having been adjourned because of the persistent divergence of views which was developed in its deliberations, the subsequent course of events in the islands gave rise to questions of a serious character. On the 4th of February last the German minister at this capital, in behalf of his Government, proposed a resumption of the conference at Berlin. This proposition was accepted, as Congress in February last was informed.

Pursuant to the understanding thus reached, commissioners were appointed by me, by and with the advice and consent of the Senate, who proceeded to Berlin, where the conference was renewed. The deliberations extended through several weeks, and resulted in the conclusion of a treaty which will be submitted to the Senate for its approval. I trust that the efforts which have been made to effect an adjustment of this question will be productive of the permanent establishment of law and order in Samoa upon the basis of the maintenance of the rights and interests of the natives as well as of the treaty powers.

The questions which have arisen during the past few years between Great Britain and the United States are in abeyance or in course of amicable adjustment.

On the part of the government of the Dominion of Canada an effort has been apparent during the season just ended to administer the laws and regulations applicable to the fisheries with as little occasion for friction as was possible, and the temperate representations of this Government in respect of cases of undue hardship or of harsh interpretations have been in most cases met with measures of transitory relief. It is trusted that the attainment of our just rights under existing treaties and in virtue

of the concurrent legislation of the two contiguous countries will not be long deferred and that all existing causes of difference may be equitably adjusted.

I recommend that provision be made by an international agreement for visibly marking the water boundary between the United States and Canada in the narrow channels that join the Great Lakes. The conventional line therein traced by the northwestern boundary survey years ago is not in all cases readily ascertainable for the settlement of jurisdictional questions.

A just and acceptable enlargement of the list of offenses for which extradition may be claimed and granted is most desirable between this country and Great Britain. The territory of neither should become a secure harbor for the evil doers of the other through any avoidable shortcoming in this regard. A new treaty on this subject between the two powers has been recently negotiated and will soon be laid before the Senate.

The importance of the commerce of Cuba and Puerto Rico with the United States, their nearest and principal market, justifies the expectation that the existing relations may be beneficially expanded. The impediments resulting from varying dues on navigation and from the vexatious treatment of our vessels on merely technical grounds of complaint in West India ports should be removed.

The progress toward an adjustment of pending claims between the United States and Spain is not as rapid as could be desired.

Questions affecting American interests in connection with railways constructed and operated by our citizens in Peru have claimed the attention of this Government. It is urged that other governments in pressing Peru to the payment of their claims have disregarded the property rights of American citizens. The matter will be carefully investigated with a view to securing a proper and equitable adjustment.

A similar issue is now pending with Portugal. The Delagoa Bay Railway, in Africa, was constructed under a concession by Portugal to an American citizen. When nearly completed the road was seized by the agents of the Portuguese Government. Formal protest has been made through our minister at Lisbon against this act, and no proper effort will be spared to secure proper relief.

In pursuance of the charter granted by Congress and under the terms of its contract with the Government of Nicaragua the Interoceanic Canal Company has begun the construction of the important waterway between the two oceans which its organization contemplates. Grave complications for a time seemed imminent, in view of a supposed conflict of jurisdiction between Nicaragua and Costa Rica in regard to the accessory privileges to be conceded by the latter Republic toward the construction of works on the San Juan River, of which the right bank is Costa Rican territory. I am happy to learn that a friendly arrangement has been

effected between the two nations. This Government has held itself ready to promote in every proper way the adjustment of all questions that might present obstacles to the completion of a work of such transcendent importance to the commerce of this country, and, indeed, to the commercial interests of the world.

The traditional good feeling between this country and the French Republic has received additional testimony in the participation of our Government and people in the international exposition held at Paris during the past summer. The success of our exhibitors has been gratifying. The report of the commission will be laid before Congress in due season.

This Government has accepted, under proper reserve as to its policy in foreign territories, the invitation of the Government of Belgium to take part in an international congress, which opened at Brussels on the 16th of November, for the purpose of devising measures to promote the abolition of the slave trade in Africa and to prevent the shipment of slaves by sea. Our interest in the extinction of this crime against humanity in the regions where it yet survives has been increased by the results of emancipation within our own borders.

With Germany the most cordial relations continue. The questions arising from the return to the Empire of Germans naturalized in this country are considered and disposed of in a temperate spirit to the entire satisfaction of both Governments.

It is a source of great satisfaction that the internal disturbances of the Republic of Hayti are at last happily ended, and that an apparently stable government has been constituted. It has been duly recognized by the United States.

A mixed commission is now in session in this capital for the settlement of long-standing claims against the Republic of Venezuela, and it is hoped that a satisfactory conclusion will be speedily reached. This Government has not hesitated to express its earnest desire that the boundary dispute now pending between Great Britain and Venezuela may be adjusted amicably and in strict accordance with the historic title of the parties.

The advancement of the Empire of Japan has been evidenced by the recent promulgation of a new constitution, containing valuable guaranties of liberty and providing for a responsible ministry to conduct the Government.

It is earnestly recommended that our judicial rights and processes in Korea be established on a firm basis by providing the machinery necessary to carry out treaty stipulations in that regard.

The friendliness of the Persian Government continues to be shown by its generous treatment of Americans engaged in missionary labors and by the cordial disposition of the Shah to encourage the enterprise of our citizens in the development of Persian resources.

A discussion is in progress touching the jurisdictional treaty rights of the United States in Turkey. An earnest effort will be made to define those rights to the satisfaction of both Governments.

Questions continue to arise in our relations with several countries in respect to the rights of naturalized citizens. Especially is this the case with France, Italy, Russia, and Turkey, and to a less extent with Switzerland. From time to time earnest efforts have been made to regulate this subject by conventions with those countries. An improper use of naturalization should not be permitted, but it is most important that those who have been duly naturalized should everywhere be accorded recognition of the rights pertaining to the citizenship of the country of their adoption. The appropriateness of special conventions for that purpose is recognized in treaties which this Government has concluded with a number of European States, and it is advisable that the difficulties which now arise in our relations with other countries on the same subject should be similarly adjusted.

The recent revolution in Brazil in favor of the establishment of a republican form of government is an event of great interest to the United States. Our minister at Rio de Janeiro was at once instructed to maintain friendly diplomatic relations with the Provisional Government, and the Brazilian representatives at this capital were instructed by the Provisional Government to continue their functions. Our friendly intercourse with Brazil has therefore suffered no interruption.

Our minister has been further instructed to extend on the part of this Government a formal and cordial recognition of the new Republic so soon as the majority of the people of Brazil shall have signified their assent to its establishment and maintenance.

Within our own borders a general condition of prosperity prevails. The harvests of the last summer were exceptionally abundant, and the trade conditions now prevailing seem to promise a successful season to the merchant and the manufacturer and general employment to our working people.

The report of the Secretary of the Treasury for the fiscal year ending June 30, 1889, has been prepared and will be presented to Congress. It presents with clearness the fiscal operations of the Government, and I avail myself of it to obtain some facts for use here.

The aggregate receipts from all sources for the year were $387,050,058.84, derived as follows:

From customs	$223,832,741.69
From internal revenue	130,881,513.92
From miscellaneous sources	32,335,803.23

The ordinary expenditures for the same period were $281,996,615.60, and the total expenditures, including the sinking fund, were $329,579,929.25. The excess of receipts over expenditures was, after providing for the sinking fund, $57,470,129.59.

For the current fiscal year the total revenues, actual and estimated, are $385,000,000, and the ordinary expenditures, actual and estimated, are $293,000,000, making with the sinking fund a total expenditure of $341,321,116.99, leaving an estimated surplus of $43,678,883.01.

During the fiscal year there was applied to the purchase of bonds, in addition to those for the sinking fund, $90,456,172.35, and during the first quarter of the current year the sum of $37,838,937.77, all of which were credited to the sinking fund. The revenues for the fiscal year ending June 30, 1891, are estimated by the Treasury Department at $385,000,000, and the expenditures for the same period, including the sinking fund, at $341,430,477.70. This shows an estimated surplus for that year of $43,569,522.30, which is more likely to be increased than reduced when the actual transactions are written up.

The existence of so large an actual and anticipated surplus should have the immediate attention of Congress, with a view to reducing the receipts of the Treasury to the needs of the Government as closely as may be. The collection of moneys not needed for public uses imposes an unnecessary burden upon our people, and the presence of so large a surplus in the public vaults is a disturbing element in the conduct of private business. It has called into use expedients for putting it into circulation of very questionable propriety. We should not collect revenue for the purpose of anticipating our bonds beyond the requirements of the sinking fund, but any unappropriated surplus in the Treasury should be so used, as there is no other lawful way of returning the money to circulation, and the profit realized by the Government offers a substantial advantage.

The loaning of public funds to the banks without interest upon the security of Government bonds I regard as an unauthorized and dangerous expedient. It results in a temporary and unnatural increase of the banking capital of favored localities and compels a cautious and gradual recall of the deposits to avoid injury to the commercial interests. It is not to be expected that the banks having these deposits will sell their bonds to the Treasury so long as the present highly beneficial arrangement is continued. They now practically get interest both upon the bonds and their proceeds. No further use should be made of this method of getting the surplus into circulation, and the deposits now outstanding should be gradually withdrawn and applied to the purchase of bonds. It is fortunate that such a use can be made of the existing surplus, and for some time to come of any casual surplus that may exist after Congress has taken the necessary steps for a reduction of the revenue. Such legislation should be promptly but very considerately enacted.

I recommend a revision of our tariff law both in its administrative features and in the schedules. The need of the former is generally conceded, and an agreement upon the evils and inconveniences to be remedied and the best methods for their correction will probably not be difficult. Uniformity of valuation at all our ports is essential, and effective

measures should be taken to secure it. It is equally desirable that questions affecting rates and classifications should be promptly decided.

The preparation of a new schedule of customs duties is a matter of great delicacy because of its direct effect upon the business of the country, and of great difficulty by reason of the wide divergence of opinion as to the objects that may properly be promoted by such legislation. Some disturbance of business may perhaps result from the consideration of this subject by Congress, but this temporary ill effect will be reduced to the minimum by prompt action and by the assurance which the country already enjoys that any necessary changes will be so made as not to impair the just and reasonable protection of our home industries. The inequalities of the law should be adjusted, but the protective principle should be maintained and fairly applied to the products of our farms as well as of our shops. These duties necessarily have relation to other things besides the public revenues. We can not limit their effects by fixing our eyes on the public Treasury alone. They have a direct relation to home production, to work, to wages, and to the commercial independence of our country, and the wise and patriotic legislator should enlarge the field of his vision to include all of these. The necessary reduction in our public revenues can, I am sure, be made without making the smaller burden more onerous than the larger by reason of the disabilities and limitations which the process of reduction puts upon both capital and labor. The free list can very safely be extended by placing thereon articles that do not offer injurious competition to such domestic products as our home labor can supply. The removal of the internal tax upon tobacco would relieve an important agricultural product from a burden which was imposed only because our revenue from customs duties was insufficient for the public needs. If safe provision against fraud can be devised, the removal of the tax upon spirits used in the arts and in manufactures would also offer an unobjectionable method of reducing the surplus.

A table presented by the Secretary of the Treasury showing the amount of money of all kinds in circulation each year from 1878 to the present time is of interest. It appears that the amount of national-bank notes in circulation has decreased during that period $114,109,729, of which $37,799,229 is chargeable to the last year. The withdrawal of bank circulation will necessarily continue under existing conditions. It is probable that the adoption of the suggestions made by the Comptroller of the Currency, namely, that the minimum deposit of bonds for the establishment of banks be reduced and that an issue of notes to the par value of the bonds be allowed, would help to maintain the bank circulation. But while this withdrawal of bank notes has been going on there has been a large increase in the amount of gold and silver coin in circulation and in the issues of gold and silver certificates.

The total amount of money of all kinds in circulation on March 1,

1878, was $805,793,807, while on October 1, 1889, the total was $1,405,018,000. There was an increase of $293,417,552 in gold coin, of $57,554,100 in standard silver dollars, of $72,311,249 in gold certificates, of $276,619,715 in silver certificates, and of $14,073,787 in United States notes, making a total of $713,976,403. There was during the same period a decrease of $114,109,729 in bank circulation and of $642,481 in subsidiary silver. The net increase was $599,224,193. The circulation per capita has increased about $5 during the time covered by the table referred to.

The total coinage of silver dollars was on November 1, 1889, $343,638,001, of which $283,539,521 were in the Treasury vaults and $60,098,480 were in circulation. Of the amount in the vaults $277,319,944 were represented by outstanding silver certificates, leaving $6,219,577 not in circulation and not represented by certificates.

The law requiring the purchase by the Treasury of $2,000,000 worth of silver bullion each month, to be coined into silver dollars of 412½ grains, has been observed by the Department, but neither the present Secretary nor any of his predecessors has deemed it safe to exercise the discretion given by law to increase the monthly purchases to $4,000,000. When the law was enacted (February 28, 1878) the price of silver in the market was $1.204 per ounce, making the bullion value of the dollar 93 cents. Since that time the price has fallen as low as 91.2 cents per ounce, reducing the bullion value of the dollar to 70.6 cents. Within the last few months the market price has somewhat advanced, and on the 1st day of November last the bullion value of the silver dollar was 72 cents.

The evil anticipations which have accompanied the coinage and use of the silver dollar have not been realized. As a coin it has not had general use, and the public Treasury has been compelled to store it. But this is manifestly owing to the fact that its paper representative is more convenient. The general acceptance and the use of the silver certificate show that silver has not been otherwise discredited. Some favorable conditions have contributed to maintain this practical equality in their commercial use between the gold and silver dollars; but some of these are trade conditions that statutory enactments do not control and of the continuance of which we can not be certain.

I think it is clear that if we should make the coinage of silver at the present ratio free we must expect that the difference in the bullion values of the gold and silver dollars will be taken account of in commercial transactions; and I fear the same result would follow any considerable increase of the present rate of coinage. Such a result would be discreditable to our financial management and disastrous to all business interests. We should not tread the dangerous edge of such a peril. And, indeed, nothing more harmful could happen to the silver interests. Any safe legislation upon this subject must secure the equality of the two coins in their commercial uses.

I have always been an advocate of the use of silver in our currency.

We are large producers of that metal, and should not discredit it. To the plan which will be presented by the Secretary of the Treasury for the issuance of notes or certificates upon the deposit of silver bullion at its market value I have been able to give only a hasty examination, owing to the press of other matters and to the fact that it has been so recently formulated. The details of such a law require careful consideration, but the general plan suggested by him seems to satisfy the purpose—to continue the use of silver in connection with our currency and at the same time to obviate the danger of which I have spoken. At a later day I may communicate further with Congress upon this subject.

The enforcement of the Chinese exclusion act has been found to be very difficult on the northwestern frontier. Chinamen landing at Victoria find it easy to pass our border, owing to the impossibility with the force at the command of the customs officers of guarding so long an inland line. The Secretary of the Treasury has authorized the employment of additional officers, who will be assigned to this duty, and every effort will be made to enforce the law. The Dominion exacts a head tax of $50 for each Chinaman landed, and when these persons, in fraud of our law, cross into our territory and are apprehended our officers do not know what to do with them, as the Dominion authorities will not suffer them to be sent back without a second payment of the tax. An effort will be made to reach an understanding that will remove this difficulty.

The proclamation required by section 3 of the act of March 2, 1889, relating to the killing of seals and other fur-bearing animals, was issued by me on the 21st day of March,* and a revenue vessel was dispatched to enforce the laws and protect the interests of the United States. The establishment of a refuge station at Point Barrow, as directed by Congress, was successfully accomplished.

Judged by modern standards, we are practically without coast defenses. Many of the structures we have would enhance rather than diminish the perils of their garrisons if subjected to the fire of improved guns, and very few are so located as to give full effect to the greater range of such guns as we are now making for coast-defense uses. This general subject has had consideration in Congress for some years, and the appropriation for the construction of large rifled guns made one year ago was, I am sure, the expression of a purpose to provide suitable works in which these guns might be mounted. An appropriation now made for that purpose would not advance the completion of the works beyond our ability to supply them with fairly effective guns.

The security of our coast cities against foreign attacks should not rest altogether in the friendly disposition of other nations. There should be a second line wholly in our own keeping. I very urgently recommend an appropriation at this session for the construction of such works in our most exposed harbors.

I approve the suggestion of the Secretary of War that provision be made for encamping companies of the National Guard in our coast works

*See pp. 5449–5450.

for a specified time each year and for their training in the use of heavy guns. His suggestion that an increase of the artillery force of the Army is desirable is also, in this connection, commended to the consideration of Congress.

The improvement of our important rivers and harbors should be promoted by the necessary appropriations. Care should be taken that the Government is not committed to the prosecution of works not of public and general advantage and that the relative usefulness of works of that class is not overlooked. So far as this work can ever be said to be completed, I do not doubt that the end would be sooner and more economically reached if fewer separate works were undertaken at the same time, and those selected for their greater general interest were more rapidly pushed to completion. A work once considerably begun should not be subjected to the risks and deterioration which interrupted or insufficient appropriations necessarily occasion.

The assault made by David S. Terry upon the person of Justice Field, of the Supreme Court of the United States, at Lathrop, Cal., in August last, and the killing of the assailant by a deputy United States marshal who had been deputed to accompany Justice Field and to protect him from anticipated violence at the hands of Terry, in connection with the legal proceedings which have followed, suggest questions which, in my judgment, are worthy of the attention of Congress.

I recommend that more definite provision be made by law not only for the protection of Federal officers, but for a full trial of such cases in the United States courts. In recommending such legislation I do not at all impeach either the general adequacy of the provision made by the State laws for the protection of all citizens or the general good disposition of those charged with the execution of such laws to give protection to the officers of the United States. The duty of protecting its officers, as such, and of punishing those who assault them on account of their official acts should not be devolved expressly or by acquiescence upon the local authorities.

Events which have been brought to my attention happening in other parts of the country have also suggested the propriety of extending by legislation fuller protection to those who may be called as witnesses in the courts of the United States. The law compels those who are supposed to have knowledge of public offenses to attend upon our courts and grand juries and to give evidence. There is a manifest resulting duty that these witnesses shall be protected from injury on account of their testimony. The investigations of criminal offenses are often rendered futile and the punishment of crime impossible by the intimidation of witnesses.

The necessity of providing some more speedy method for disposing of the cases which now come for final adjudication to the Supreme Court becomes every year more apparent and urgent. The plan of providing

some intermediate courts having final appellate jurisdiction of certain classes of questions and cases has, I think, received a more general approval from the bench and bar of the country than any other. Without attempting to discuss details, I recommend that provision be made for the establishment of such courts.

The salaries of the judges of the district courts in many of the districts are, in my judgment, inadequate. I recommend that all such salaries now below $5,000 per annum be increased to that amount. It is quite true that the amount of labor performed by these judges is very unequal, but as they can not properly engage in other pursuits to supplement their incomes the salary should be such in all cases as to provide an independent and comfortable support.

Earnest attention should be given by Congress to a consideration of the question how far the restraint of those combinations of capital commonly called "trusts" is matter of Federal jurisdiction. When organized, as they often are, to crush out all healthy competition and to monopolize the production or sale of an article of commerce and general necessity, they are dangerous conspiracies against the public good, and should be made the subject of prohibitory and even penal legislation.

The subject of an international copyright has been frequently commended to the attention of Congress by my predecessors. The enactment of such a law would be eminently wise and just.

Our naturalization laws should be so revised as to make the inquiry into the moral character and good disposition toward our Government of the persons applying for citizenship more thorough. This can only be done by taking fuller control of the examination, by fixing the times for hearing such applications, and by requiring the presence of some one who shall represent the Government in the inquiry. Those who are the avowed enemies of social order or who come to our shores to swell the injurious influence and to extend the evil practices of any association that defies our laws should not only be denied citizenship, but a domicile.

The enactment of a national bankrupt law of a character to be a permanent part of our general legislation is desirable. It should be simple in its methods and inexpensive in its administration.

The report of the Postmaster-General not only exhibits the operations of the Department for the last fiscal year, but contains many valuable suggestions for the improvement and extension of the service, which are commended to your attention. No other branch of the Government has so close a contact with the daily life of the people. Almost everyone uses the service it offers, and every hour gained in the transmission of the great commercial mails has an actual and possible value that only those engaged in trade can understand.

The saving of one day in the transmission of the mails between New York and San Francisco, which has recently been accomplished, is an incident worthy of mention.

The plan suggested of a supervision of the post-offices in separate districts that shall involve instruction and suggestion and a rating of the efficiency of the postmasters would, I have no doubt, greatly improve the service.

A pressing necessity exists for the erection of a building for the joint use of the Department and of the city post-office. The Department was partially relieved by renting outside quarters for a part of its force, but it is again overcrowded. The building used by the city office never was fit for the purpose, and is now inadequate and unwholesome.

The unsatisfactory condition of the law relating to the transmission through the mails of lottery advertisements and remittances is clearly stated by the Postmaster-General, and his suggestion as to amendments should have your favorable consideration.

The report of the Secretary of the Navy shows a reorganization of the bureaus of the Department that will, I do not doubt, promote the efficiency of each.

In general, satisfactory progress has been made in the construction of the new ships of war authorized by Congress. The first vessel of the new Navy, the *Dolphin*, was subjected to very severe trial tests and to very much adverse criticism; but it is gratifying to be able to state that a cruise around the world, from which she has recently returned, has demonstrated that she is a first-class vessel of her rate.

The report of the Secretary shows that while the effective force of the Navy is rapidly increasing by reason of the improved build and armament of the new ships, the number of our ships fit for sea duty grows very slowly. We had on the 4th of March last 37 serviceable ships, and though 4 have since been added to the list, the total has not been increased, because in the meantime 4 have been lost or condemned. Twenty-six additional vessels have been authorized and appropriated for; but it is probable that when they are completed our list will only be increased to 42—a gain of 5. The old wooden ships are disappearing almost as fast as the new vessels are added. These facts carry their own argument. One of the new ships may in fighting strength be equal to two of the old, but it can not do the cruising duty of two. It is important therefore, that we should have a more rapid increase in the number of serviceable ships. I concur in the recommendation of the Secretary that the construction of 8 armored ships, 3 gunboats, and 5 torpedo boats be authorized.

An appalling calamity befell three of our naval vessels on duty at the Samoan Islands, in the harbor of Apia, in March last, involving the loss of 4 officers and 47 seamen, of two vessels, the *Trenton* and the *Vandalia*, and the disabling of a third, the *Nipsic*. Three vessels of the German navy, also in the harbor, shared with our ships the force of the hurricane and suffered even more heavily. While mourning the brave officers and men who died facing with high resolve perils greater than those of battle,

it is most gratifying to state that the credit of the American Navy for seamanship, courage, and generosity was magnificently sustained in the storm-beaten harbor of Apia.

The report of the Secretary of the Interior exhibits the transactions of the Government with the Indian tribes. Substantial progress has been made in the education of the children of school age and in the allotment of lands to adult Indians. It is to be regretted that the policy of breaking up the tribal relation and of dealing with the Indian as an individual did not appear earlier in our legislation. Large reservations held in common and the maintenance of the authority of the chiefs and headmen have deprived the individual of every incentive to the exercise of thrift, and the annuity has contributed an affirmative impulse toward a state of confirmed pauperism.

Our treaty stipulations should be observed with fidelity and our legislation should be highly considerate of the best interests of an ignorant and helpless people. The reservations are now generally surrounded by white settlements. We can no longer push the Indian back into the wilderness, and it remains only by every suitable agency to push him upward into the estate of a self-supporting and responsible citizen. For the adult the first step is to locate him upon a farm, and for the child to place him in a school.

School attendance should be promoted by every moral agency, and those failing should be compelled. The national schools for Indians have been very successful and should be multiplied, and as far as possible should be so organized and conducted as to facilitate the transfer of the schools to the States or Territories in which they are located when the Indians in a neighborhood have accepted citizenship and have become otherwise fitted for such a transfer. This condition of things will be attained slowly, but it will be hastened by keeping it in mind; and in the meantime that cooperation between the Government and the mission schools which has wrought much good should be cordially and impartially maintained.

The last Congress enacted two distinct laws relating to negotiations with the Sioux Indians of Dakota for a relinquishment of a portion of their lands to the United States and for dividing the remainder into separate reservations. Both were approved on the same day—March 2. The one submitted to the Indians a specific proposition; the other (section 3 of the Indian appropriation act) authorized the President to appoint three commissioners to negotiate with these Indians for the accomplishment of the same general purpose, and required that any agreements made should be submitted to Congress for ratification.

On the 16th day of April last I appointed Hon. Charles Foster, of Ohio, Hon. William Warner, of Missouri, and Major-General George Crook, of the United States Army, commissioners under the last-named law. They were, however, authorized and directed first to submit to

the Indians the definite proposition made to them by the act first mentioned, and only in the event of a failure to secure the assent of the requisite number to that proposition to open negotiations for modified terms under the other act. The work of the commission was prolonged and arduous, but the assent of the requisite number was, it is understood, finally obtained to the proposition made by Congress, though the report of the commission has not yet been submitted. In view of these facts, I shall not, as at present advised, deem it necessary to submit the agreement to Congress for ratification, but it will in due course be submitted for information. This agreement releases to the United States about 9,000,000 acres of land.

The commission provided for by section 14 of the Indian appropriation bill to negotiate with the Cherokee Indians and all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude for the cession to the United States of all such lands was constituted by the appointment of Hon. Lucius Fairchild, of Wisconsin, Hon. John F. Hartranft, of Pennsylvania, and Hon. Alfred M. Wilson, of Arkansas, and organized on June 29 last. Their first conference with the representatives of the Cherokees was held at Tahlequah July 29, with no definite results. General John F. Hartranft, of Pennsylvania, was prevented by ill health from taking part in the conference. His death, which occurred recently, is justly and generally lamented by a people he had served with conspicuous gallantry in war and with great fidelity in peace. The vacancy thus created was filled by the appointment of Hon. Warren G. Sayre, of Indiana.

A second conference between the commission and the Cherokees was begun November 6, but no results have yet been obtained, nor is it believed that a conclusion can be immediately expected. The cattle syndicate now occupying the lands for grazing purposes is clearly one of the agencies responsible for the obstruction of our negotiations with the Cherokees. The large body of agricultural lands constituting what is known as the "Cherokee Outlet" ought not to be, and, indeed, can not long be, held for grazing and for the advantage of a few against the public interests and the best advantage of the Indians themselves. The United States has now under the treaties certain rights in these lands. These will not be used oppressively, but it can not be allowed that those who by sufferance occupy these lands shall interpose to defeat the wise and beneficent purposes of the Government. I can not but believe that the advantageous character of the offer made by the United States to the Cherokee Nation for a full release of these lands as compared with other suggestions now made to them will yet obtain for it a favorable consideration.

Under the agreement made between the United States and the Muscogee (or Creek) Nation of Indians on the 19th day of January, 1889, an absolute title was secured by the United States to about 3,500,000 acres

of land. Section 12 of the general Indian appropriation act approved March 2, 1889, made provision for the purchase by the United States from the Seminole tribe of a certain portion of their lands. The delegates of the Seminole Nation, having first duly evidenced to me their power to act in that behalf, delivered a proper release or conveyance to the United States of all the lands mentioned in the act, which was accepted by me and certified to be in compliance with the statute.

By the terms of both the acts referred to all the lands so purchased were declared to be a part of the public domain and open to settlement under the homestead law. But of the lands embraced in these purchases, being in the aggregate about 5,500,000 acres, 3,500,000 acres had already, under the terms of the treaty of 1866, been acquired by the United States for the purpose of settling other Indian tribes thereon and had been appropriated to that purpose. The land remaining and available for settlement consisted of 1,887,796 acres, surrounded on all sides by lands in the occupancy of Indian tribes. Congress had provided no civil government for the people who were to be invited by my proclamation to settle upon these lands, except as the new court which had been established at Muscogee or the United States courts in some of the adjoining States had power to enforce the general laws of the United States.

In this condition of things I was quite reluctant to open the lands to settlement; but in view of the fact that several thousand persons, many of them with their families, had gathered upon the borders of the Indian Territory with a view to securing homesteads on the ceded lands, and that delay would involve them in much loss and suffering, I did on the 23d day of March last issue a proclamation* declaring that the lands therein described would be open to settlement under the provisions of the law on the 22d day of April following at 12 o'clock noon. Two land districts had been established and the offices were opened for the transaction of business when the appointed time arrived.

It is much to the credit of the settlers that they very generally observed the limitation as to the time when they might enter the Territory. Care will be taken that those who entered in violation of the law do not secure the advantage they unfairly sought. There was a good deal of apprehension that the strife for locations would result in much violence and bloodshed, but happily these anticipations were not realized. It is estimated that there are now in the Territory about 60,000 people, and several considerable towns have sprung up, for which temporary municipal governments have been organized. Guthrie is said to have now a population of almost 8,000. Eleven schools and nine churches have been established, and three daily and five weekly newspapers are published in this city, whose charter and ordinances have only the sanction of the voluntary acquiescence of the people from day to day.

*See pp 5450–5453.

Oklahoma City has a population of about 5,000, and is proportionately as well provided as Guthrie with churches, schools, and newspapers. Other towns and villages having populations of from 100 to 1,000 are scattered over the Territory.

In order to secure the peace of this new community in the absence of civil government, I directed General Merritt, commanding the Department of the Missouri, to act in conjunction with the marshals of the United States to preserve the peace, and upon their requisition to use the troops to aid them in executing warrants and in quieting any riots or breaches of the peace that might occur. He was further directed to use his influence to promote good order and to avoid any conflicts between or with the settlers. Believing that the introduction and sale of liquors where no legal restraints or regulations existed would endanger the public peace, and in view of the fact that such liquors must first be introduced into the Indian reservations before reaching the white settlements, I further directed the general commanding to enforce the laws relating to the introduction of ardent spirits into the Indian country.

The presence of the troops has given a sense of security to the well-disposed citizens and has tended to restrain the lawless. In one instance the officer in immediate command of the troops went further than I deemed justifiable in supporting the *de facto* municipal government of Guthrie, and he was so informed, and directed to limit the interference of the military to the support of the marshals on the lines indicated in the original order. I very urgently recommend that Congress at once provide a Territorial government for these people. Serious questions, which may at any time lead to violent outbreaks, are awaiting the institution of courts for their peaceful adjustment. The American genius for self-government has been well illustrated in Oklahoma; but it is neither safe nor wise to leave these people longer to the expedients which have temporarily served them.

Provision should be made for the acquisition of title to town lots in the towns now established in Alaska, for locating town sites, and for the establishment of municipal governments. Only the mining laws have been extended to that Territory, and no other form of title to lands can now be obtained. The general land laws were framed with reference to the disposition of agricultural lands, and it is doubtful if their operation in Alaska would be beneficial.

We have fortunately not extended to Alaska the mistaken policy of establishing reservations for the Indian tribes, and can deal with them from the beginning as individuals with, I am sure, better results; but any disposition of the public lands and any regulations relating to timber and to the fisheries should have a kindly regard to their interests. Having no power to levy taxes, the people of Alaska are wholly dependent upon the General Government, to whose revenues the seal fisheries make a large annual contribution. An appropriation for education should neither be overlooked nor stinted.

The smallness of the population and the great distances between the settlements offer serious obstacles to the establishment of the usual Territorial form of government. Perhaps the organization of several subdistricts with a small municipal council of limited powers for each would be safe and useful.

Attention is called in this connection to the suggestions of the Secretary of the Treasury relating to the establishment of another port of entry in Alaska and of other needed customs facilities and regulations.

In the administration of the land laws the policy of facilitating in every proper way the adjustment of the honest claims of individual settlers upon the public lands has been pursued. The number of pending cases had during the preceding Administration been greatly increased under the operation of orders for a time suspending final action in a large part of the cases originating in the West and Northwest, and by the subsequent use of unusual methods of examination. Only those who are familiar with the conditions under which our agricultural lands have been settled can appreciate the serious and often fatal consequences to the settler of a policy that puts his title under suspicion or delays the issuance of his patent. While care is taken to prevent and to expose fraud, it should not be imputed without reason.

The manifest purpose of the homestead and preemption laws was to promote the settlement of the public domain by persons having a *bona fide* intent to make a home upon the selected lands. Where this intent is well established and the requirements of the law have been substantially complied with, the claimant is entitled to a prompt and friendly consideration of his case; but where there is reason to believe that the claimant is the mere agent of another who is seeking to evade a law intended to promote small holdings and to secure by fraudulent methods large tracts of timber and other lands, both principal and agent should not only be thwarted in their fraudulent purpose, but should be made to feel the full penalties of our criminal statutes. The laws should be so administered as not to confound these two classes and to visit penalties only upon the latter.

The unsettled state of the titles to large bodies of lands in the Territories of New Mexico and Arizona has greatly retarded the development of those Territories. Provision should be made by law for the prompt trial and final adjustment before a judicial tribunal or commission of all claims based upon Mexican grants. It is not just to an intelligent and enterprising people that their peace should be disturbed and their prosperity retarded by these old contentions. I express the hope that differences of opinion as to methods may yield to the urgency of the case.

The law now provides a pension for every soldier and sailor who was mustered into the service of the United States during the Civil War and is now suffering from wounds or disease having an origin in the service and in the line of duty. Two of the three necessary facts, viz, muster

and disability, are usually susceptible of easy proof; but the third, origin in the service, is often difficult and in many deserving cases impossible to establish. That very many of those who endured the hardships of our most bloody and arduous campaigns are now disabled from diseases that had a real but not traceable origin in the service I do not doubt. Besides these there is another class composed of men many of whom served an enlistment of three full years and of reenlisted veterans who added a fourth year of service, who escaped the casualties of battle and the assaults of disease, who were always ready for any detail, who were in every battle line of their command, and were mustered out in sound health, and have since the close of the war, while fighting with the same indomitable and independent spirit the contests of civil life, been overcome by disease or casualty.

I am not unaware that the pension roll already involves a very large annual expenditure; neither am I deterred by that fact from recommending that Congress grant a pension to such honorably discharged soldiers and sailors of the Civil War as, having rendered substantial service during the war, are now dependent upon their own labor for a maintenance and by disease or casualty are incapacitated from earning it. Many of the men who would be included in this form of relief are now dependent upon public aid, and it does not, in my judgment, consist with the national honor that they shall continue to subsist upon the local relief given indiscriminately to paupers instead of upon the special and generous provision of the nation they served so gallantly and unselfishly. Our people will, I am sure, very generally approve such legislation. And I am equally sure that the survivors of the Union Army and Navy will feel a grateful sense of relief when this worthy and suffering class of their comrades is fairly cared for.

There are some manifest inequalities in the existing law that should be remedied. To some of these the Secretary of the Interior has called attention.

It is gratifying to be able to state that by the adoption of new and better methods in the War Department the calls of the Pension Office for information as to the military and hospital records of pension claimants are now promptly answered and the injurious and vexatious delays that have heretofore occurred are entirely avoided. This will greatly facilitate the adjustment of all pending claims.

The advent of four new States—South Dakota, North Dakota, Montana, and Washington—into the Union under the Constitution in the same month, and the admission of their duly chosen representatives to our National Congress at the same session, is an event as unexampled as it is interesting.

The certification of the votes cast and of the constitutions adopted in each of the States was filed with me, as required by the eighth section of the act of February 22, 1889, by the governors of said Territories.

By the President of the United States of America

A Proclamation

Whereas the Congress of the United States did by an act approved on the twenty-second day of February one thousand eight hundred and eighty nine, provide that the inhabitants of the Territory of Washington might upon the conditions prescribed in said act, become the State of Washington;

And whereas it was provided by said act that delegates elected as therein provided, to a Constitutional convention in the Territory of Washington should meet at the seat of government of said Territory; and that, after they had met and organized they should solemnly on behalf of the people of Washington that they adopt the Constitution of the United States, whereupon the said convention should be authorized to form a State Government for the proposed State of Washington;

And whereas it was provided by said act that the Constitution so adopted should be republican in form and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and

PRESIDENT BENJAMIN HARRISON'S PROCLAMATION ADMITTING THE TERRITORY OF WASHINGTON AS A STATE.

SIGNATURE OF PRESIDENT HARRISON TO PROCLAMATION ADMITTING THE TERRITORY OF WASHINGTON INTO THE UNION

respectively. Having after a careful examination found that the several constitutions and governments were republican in form and not repugnant to the Constitution of the United States, that all the provisions of the act of Congress had been complied with, and that a majority of the votes cast in each of said proposed States was in favor of the adoption of the constitution submitted therein, I did so declare by a separate proclamation as to each—as to North Dakota and South Dakota on Saturday, November 2;* as to Montana on Friday, November 8,† and as to Washington on Monday, November 11.‡

Each of these States has within it resources the development of which will employ the energies of and yield a comfortable subsistence to a great population. The smallest of these new States, Washington, stands twelfth, and the largest, Montana, third, among the forty-two in area. The people of these States are already well-trained, intelligent, and patriotic American citizens, having common interests and sympathies with those of the older States and a common purpose to defend the integrity and uphold the honor of the nation.

The attention of the Interstate Commerce Commission has been called to the urgent need of Congressional legislation for the better protection of the lives and limbs of those engaged in operating the great interstate freight lines of the country, and especially of the yardmen and brakemen. A petition signed by nearly 10,000 railway brakemen was presented to the Commission asking that steps might be taken to bring about the use of automatic brakes and couplers on freight cars.

At a meeting of State railroad commissioners and their accredited representatives held at Washington in March last upon the invitation of the Interstate Commerce Commission a resolution was unanimously adopted urging the Commission "to consider what can be done to prevent the loss of life and limb in coupling and uncoupling freight cars and in handling the brakes of such cars." During the year ending June 30, 1888, over 2,000 railroad employees were killed in service and more than 20,000 injured. It is competent, I think, for Congress to require uniformity in the construction of cars used in interstate commerce and the use of improved safety appliances upon such trains. Time will be necessary to make the needed changes, but an earnest and intelligent beginning should be made at once. It is a reproach to our civilization that any class of American workmen should in the pursuit of a necessary and useful vocation be subjected to a peril of life and limb as great as that of a soldier in time of war.

The creation of an Executive Department to be known as the Department of Agriculture by the act of February 9 last was a wise and timely response to a request which had long been respectfully urged by the farmers of the country; but much remains to be done to perfect the organization of the Department so that it may fairly realize the

* See pp. 5455–5459. † See pp. 5459–5460. ‡ See pp. 5460–5461.

expectations which its creation excited. In this connection attention is called to the suggestions contained in the report of the Secretary, which is herewith submitted. The need of a law officer for the Department such as is provided for the other Executive Departments is manifest. The failure of the last Congress to make the usual provision for the publication of the annual report should be promptly remedied. The public interest in the report and its value to the farming community, I am sure, will not be diminished under the new organization of the Department.

I recommend that the weather service be separated from the War Department and established as a bureau in the Department of Agriculture. This will involve an entire reorganization both of the Weather Bureau and of the Signal Corps, making of the first a purely civil organization and of the other a purely military staff corps. The report of the Chief Signal Officer shows that the work of the corps on its military side has been deteriorating.

The interests of the people of the District of Columbia should not be lost sight of in the pressure for consideration of measures affecting the whole country. Having no legislature of its own, either municipal or general, its people must look to Congress for the regulation of all those concerns that in the States are the subject of local control. Our whole people have an interest that the national capital should be made attractive and beautiful, and, above all, that its repute for social order should be well maintained. The laws regulating the sale of intoxicating drinks in the District should be revised with a view to bringing the traffic under stringent limitations and control.

In execution of the power conferred upon me by the act making appropriations for the expenses of the District of Columbia for the year ending June 30, 1890, I did on the 17th day of August last appoint Rudolph Hering, of New York, Samuel M. Gray, of Rhode Island, and Frederick P. Stearns, of Massachusetts, three eminent sanitary engineers, to examine and report upon the system of sewerage existing in the District of Columbia. Their report, which is not yet completed, will be in due course submitted to Congress.

The report of the Commissioners of the District is herewith transmitted, and the attention of Congress is called to the suggestions contained therein.

The proposition to observe the four hundredth anniversary of the discovery of America by the opening of a world's fair or exposition in some one of our great cities will be presented for the consideration of Congress. The value and interest of such an exposition may well claim the promotion of the General Government.

On the 4th of March last the Civil Service Commission had but a single member. The vacancies were filled on the 7th day of May, and since then the Commissioners have been industriously, though with an inadequate force, engaged in executing the law. They were assured by me

that a cordial support would be given them in the faithful and impartial enforcement of the statute and of the rules and regulations adopted in aid of it.

Heretofore the book of eligibles has been closed to everyone, except as certifications were made upon the requisition of the appointing officers. This secrecy was the source of much suspicion and of many charges of favoritism in the administration of the law. What is secret is always suspected; what is open can be judged. The Commission, with the full approval of all its members, has now opened the list of eligibles to the public. The eligible lists for the classified post-offices and custom-houses are now publicly posted in the respective offices, as are also the certifications for appointments. The purpose of the civil-service law was absolutely to exclude any other consideration in connection with appointments under it than that of merit as tested by the examinations. The business proceeds upon the theory that both the examining boards and the appointing officers are absolutely ignorant as to the political views and associations of all persons on the civil-service lists. It is not too much to say, however, that some recent Congressional investigations have somewhat shaken public confidence in the impartiality of the selections for appointment.

The reform of the civil service will make no safe or satisfactory advance until the present law and its equal administration are well established in the confidence of the people. It will be my pleasure, as it is my duty, to see that the law is executed with firmness and impartiality. If some of its provisions have been fraudulently evaded by appointing officers, our resentment should not suggest the repeal of the law, but reform in its administration. We should have one view of the matter, and hold it with a sincerity that is not affected by the consideration that the party to which we belong is for the time in power.

My predecessor, on the 4th day of January, 1889, by an Executive order to take effect March 15, brought the Railway Mail Service under the operation of the civil-service law.* Provision was made that the order should take effect sooner in any State where an eligible list was sooner obtained. On the 11th day of March Mr. Lyman, then the only member of the Commission, reported to me in writing that it would not be possible to have the list of eligibles ready before May 1, and requested that the taking effect of the order be postponed until that time, which was done,† subject to the same provision contained in the original order as to States in which an eligible list was sooner obtained.

As a result of the revision of the rules, of the new classification, and of the inclusion of the Railway Mail Service, the work of the Commission has been greatly increased, and the present clerical force is found to be inadequate. I recommend that the additional clerks asked by the Commission be appropriated for.

* See pp. 5432–5436. † See p. 5462.

The duty of appointment is devolved by the Constitution or by the law, and the appointing officers are properly held to a high responsibility in its exercise. The growth of the country and the consequent increase of the civil list have magnified this function of the Executive disproportionally. It can not be denied, however, that the labor connected with this necessary work is increased, often to the point of actual distress, by the sudden and excessive demands that are made upon an incoming Administration for removals and appointments. But, on the other hand, it is not true that incumbency is a conclusive argument for continuance in office. Impartiality, moderation, fidelity to public duty, and a good attainment in the discharge of it must be added before the argument is complete. When those holding administrative offices so conduct themselves as to convince just political opponents that no party consideration or bias affects in any way the discharge of their public duties, we can more easily stay the demand for removals.

I am satisfied that both in and out of the classified service great benefit would accrue from the adoption of some system by which the officer would receive the distinction and benefit that in all private employments comes from exceptional faithfulness and efficiency in the performance of duty.

I have suggested to the heads of the Executive Departments that they consider whether a record might not be kept in each bureau of all those elements that are covered by the terms "faithfulness" and "efficiency," and a rating made showing the relative merits of the clerks of each class, this rating to be regarded as a test of merit in making promotions.

I have also suggested to the Postmaster-General that he adopt some plan by which he can, upon the basis of the reports to the Department and of frequent inspections, indicate the relative merit of postmasters of each class. They will be appropriately indicated in the Official Register and in the report of the Department. That a great stimulus would thus be given to the whole service I do not doubt, and such a record would be the best defense against inconsiderate removals from office.

The interest of the General Government in the education of the people found an early expression, not only in the thoughtful and sometimes warning utterances of our ablest statesmen, but in liberal appropriations from the common resources for the support of education in the new States. No one will deny that it is of the gravest national concern that those who hold the ultimate control of all public affairs should have the necessary intelligence wisely to direct and determine them. National aid to education has heretofore taken the form of land grants, and in that form the constitutional power of Congress to promote the education of the people is not seriously questioned. I do not think it can be successfully questioned when the form is changed to that of a direct grant of money from the public Treasury.

Such aid should be, as it always has been, suggested by some excep-

tional conditions. The sudden emancipation of the slaves of the South, the bestowal of the suffrage which soon followed, and the impairment of the ability of the States where these new citizens were chiefly found to adequately provide educational facilities presented not only exceptional but unexampled conditions. That the situation has been much ameliorated there is no doubt. The ability and interest of the States have happily increased.

But a great work remains to be done, and I think the General Government should lend its aid. As the suggestion of a national grant in aid of education grows chiefly out of the condition and needs of the emancipated slave and his descendants, the relief should as far as possible, while necessarily proceeding upon some general lines, be applied to the need that suggested it. It is essential, if much good is to be accomplished, that the sympathy and active interest of the people of the States should be enlisted, and that the methods adopted should be such as to stimulate and not to supplant local taxation for school purposes.

As one Congress can not bind a succeeding one in such a case and as the effort must in some degree be experimental, I recommend that any appropriation made for this purpose be so limited in annual amount and as to the time over which it is to extend as will on the one hand give the local school authorities opportunity to make the best use of the first year's allowance, and on the other deliver them from the temptation to unduly postpone the assumption of the whole burden themselves.

The colored people did not intrude themselves upon us. They were brought here in chains and held in the communities where they are now chiefly found by a cruel slave code. Happily for both races, they are now free. They have from a standpoint of ignorance and poverty—which was our shame, not theirs—made remarkable advances in education and in the acquisition of property. They have as a people shown themselves to be friendly and faithful toward the white race under temptations of tremendous strength. They have their representatives in the national cemeteries, where a grateful Government has gathered the ashes of those who died in its defense. They have furnished to our Regular Army regiments that have won high praise from their commanding officers for courage and soldierly qualities and for fidelity to the enlistment oath. In civil life they are now the toilers of their communities, making their full contribution to the widening streams of prosperity which these communities are receiving. Their sudden withdrawal would stop production and bring disorder into the household as well as the shop. Generally they do not desire to quit their homes, and their employers resent the interference of the emigration agents who seek to stimulate such a desire.

But notwithstanding all this, in many parts of our country where the colored population is large the people of that race are by various devices deprived of any effective exercise of their political rights and of many of

their civil rights. The wrong does not expend itself upon those whose votes are suppressed. Every constituency in the Union is wronged.

It has been the hope of every patriot that a sense of justice and of respect for the law would work a gradual cure of these flagrant evils. Surely no one supposes that the present can be accepted as a permanent condition. If it is said that these communities must work out this problem for themselves, we have a right to ask whether they are at work upon it. Do they suggest any solution? When and under what conditions is the black man to have a free ballot? When is he in fact to have those full civil rights which have so long been his in law? When is that equality of influence which our form of government was intended to secure to the electors to be restored? This generation should courageously face these grave questions, and not leave them as a heritage of woe to the next. The consultation should proceed with candor, calmness, and great patience, upon the lines of justice and humanity, not of prejudice and cruelty. No question in our country can be at rest except upon the firm base of justice and of the law.

I earnestly invoke the attention of Congress to the consideration of such measures within its well-defined constitutional powers as will secure to all our people a free exercise of the right of suffrage and every other civil right under the Constitution and laws of the United States. No evil, however deplorable, can justify the assumption either on the part of the Executive or of Congress of powers not granted, but both will be highly blamable if all the powers granted are not wisely but firmly used to correct these evils. The power to take the whole direction and control of the election of members of the House of Representatives is clearly given to the General Government. A partial and qualified supervision of these elections is now provided for by law, and in my opinion this law may be so strengthened and extended as to secure on the whole better results than can be attained by a law taking all the processes of such election into Federal control. The colored man should be protected in all of his relations to the Federal Government, whether as litigant, juror, or witness in our courts, as an elector for members of Congress, or as a peaceful traveler upon our interstate railways.

There is nothing more justly humiliating to the national pride and nothing more hurtful to the national prosperity than the inferiority of our merchant marine compared with that of other nations whose general resources, wealth, and seacoast lines do not suggest any reason for their supremacy on the sea. It was not always so, and our people are agreed, I think, that it shall not continue to be so. It is not possible in this communication to discuss the causes of the decay of our shipping interests or the differing methods by which it is proposed to restore them. The statement of a few well-authenticated facts and some general suggestions as to legislation is all that is practicable. That the great steamship lines sailing under the flags of England, France, Germany, Spain,

and Italy, and engaged in foreign commerce, were promoted and have since been and now are liberally aided by grants of public money in one form or another is generally known. That the American lines of steamships have been abandoned by us to an unequal contest with the aided lines of other nations until they have been withdrawn, or in the few cases where they are still maintained are subject to serious disadvantages, is matter of common knowledge.

The present situation is such that travelers and merchandise find Liverpool often a necessary intermediate port between New York and some of the South American capitals. The fact that some of the delegates from South American States to the conference of American nations now in session at Washington reached our shores by reversing that line of travel is very conclusive of the need of such a conference and very suggestive as to the first and most necessary step in the direction of fuller and more beneficial intercourse with nations that are now our neighbors upon the lines of latitude, but not upon the lines of established commercial intercourse.

I recommend that such appropriations be made for ocean mail service in American steamships between our ports and those of Central and South America, China, Japan, and the important islands in both of the great oceans as will be liberally remunerative for the service rendered and as will encourage the establishment and in some fair degree equalize the chances of American steamship lines in the competitions which they must meet. That the American States lying south of us will cordially cooperate in establishing and maintaining such lines of steamships to their principal ports I do not doubt.

We should also make provision for a naval reserve to consist of such merchant ships of American construction and of a specified tonnage and speed as the owners will consent to place at the use of the Government in case of need as armed cruisers. England has adopted this policy, and as a result can now upon necessity at once place upon her naval list some of the fastest steamships in the world. A proper supervision of the construction of such vessels would make their conversion into effective ships of war very easy.

I am an advocate of economy in our national expenditures, but it is a misuse of terms to make this word describe a policy that withholds an expenditure for the purpose of extending our foreign commerce. The enlargement and improvement of our merchant marine, the development of a sufficient body of trained American seamen, the promotion of rapid and regular mail communication between the ports of other countries and our own, and the adaptation of large and swift American merchant steamships to naval uses in time of war are public purposes of the highest concern. The enlarged participation of our people in the carrying trade, the new and increased markets that will be opened for the products of our farms and factories, and the fuller and better employment

of our mechanics which will result from a liberal promotion of our foreign commerce insure the widest possible diffusion of benefit to all the States and to all our people. Everything is most propitious for the present inauguration of a liberal and progressive policy upon this subject, and we should enter upon it with promptness and decision.

The legislation which I have suggested, it is sincerely believed, will promote the peace and honor of our country and the prosperity and security of the people. I invoke the diligent and serious attention of Congress to the consideration of these and such other measures as may be presented having the same great end in view.

BENJ. HARRISON.

SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 17, 1889.*

To the Senate and House of Representatives:

The act of Congress approved July 9, 1888, "for an international marine conference to secure greater safety for life and property at sea," and in virtue of which the present conference is now holding its sessions at Washington, provides by the third section that the labors of the conference shall terminate on the 1st day of January, 1890, or sooner, by direction of the President.

I transmit herewith a report from the Acting Secretary of State, accompanied with a letter from Rear-Admiral S. R. Franklin, United States Navy, president of the conference, stating that in all probability the labors of the conference can not be brought to a close by the time fixed by the present law.

In consideration of the many important questions now under discussion by the conference, which should if possible be satisfactorily determined before the final adjournment, I earnestly recommend that a further act be passed to enable the conference to continue its sessions for a period of two months from January 1, 1890.

BENJ. HARRISON.

EXECUTIVE MANSION, *December 18, 1889.*

To the Senate and House of Representatives:

I transmit herewith a communication of 16th instant from the Secretary of the Interior, submitting the report, with accompanying papers, of the commission appointed under the provisions of the act of March 2, 1889 (25 U. S. Statutes at Large, p. 1002), to conduct negotiations with the Cœur d'Alene tribe of Indians for the purchase and release by said tribe of such portions of its reservation not agricultural and valuable

chiefly for minerals and timber as such tribe shall consent to sell, etc., together with the agreement entered into by said commission September 9, 1889, with said Indians.

BENJ. HARRISON.

EXECUTIVE MANSION, *December 20, 1889.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior, submitting a draft of a bill "to provide for the reduction of the Round Valley Indian Reservation, in the State of California, and for other purposes." I invite your attention to the papers herein referred to, showing the necessity for the proposed legislation, and ask that the bill herewith receive careful and early consideration.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, January 7, 1890.

To the Senate and House of Representatives:

I herewith inclose a report from the Secretary of State, with accompanying papers, in relation to the death of George Pauls, a German subject, at Wilmington, N. C., May 8, 1886, and the claim of his widow for compensation on that account. In view of the statements made by the Secretary of State, I earnestly recommend that an appropriation of $5,000 be made in behalf of Mrs. Pauls.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, January 13, 1890.

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State of the 13th instant, recommending that the necessary means be provided to erect suitable buildings on the grounds so generously presented in the year 1884 to this Government for the use of its legation at Bangkok by His Majesty the King of Siam.

I commend the matter to the favorable consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, January 16, 1890.

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, in relation to the claim of the Government of Sweden and Norway, under the treaty between the United States and that Government of July 4, 1827, for the

benefit of the lower rate of tonnage dues under the shipping acts of 1884 and 1886.

I recommend the immediate adoption by Congress of the necessary legislation to enable this Government to apply in the case of Sweden and Norway the same rule in respect to the levying of tonnage dues under the treaty of 1827 as was claimed and secured by this Government under the same instrument in 1828.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 20, 1890.*

To the Senate and House of Representatives:

I transmit herewith a letter of Professor T. C. Mendenhall, chairman of a committee of the American Association for the Advancement of Science, and president of that association, and also the memorial prepared by said committee, relating to the preservation of the forests upon the public domain.

I very earnestly recommend that adequate legislation may be provided to the end that the rapid and needless destruction of our great forest areas may be prevented.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, January 20, 1890.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of War, relating to the condition and needs of the band of Apache Indians now held at Mount Vernon Barracks and at Governors Island. The reports of General Crook and Lieutenant Howard, which accompany the letter of the Secretary, show that some of these Indians have rendered good service to the Government in the pursuit and capture of the murderous band that followed Natchez and Geronimo. It is a reproach that they should not in our treatment of them be distinguished from the cruel and bloody members of the tribe now confined with them.

I earnestly recommend that provision be made by law for locating these Indians upon lands in the Indian Territory.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, January 27, 1890.

To the Senate of the United States:

I transmit, in reply to the resolution of the Senate of the 8th instant, a report from the Secretary of State, with accompanying documents, in relation to the execution of the acts of Congress approved May 6, 1882, and October 1, 1888, concerning Chinese.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 10, 1890.*

To the Senate and House of Representatives:

In pursuance of the power vested in me by the terms of the last clause of section 3 of the act of Congress approved March 2, 1889, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes," a commission, as therein authorized, was appointed, consisting of Charles Foster, of Ohio, William Warner, of Missouri, and General George Crook, of the United States Army. This commission was specially instructed to present to the Sioux Indians occupying the Great Sioux Reservation, for their acceptance thereof and consent thereto in manner and form as therein provided, the act of Congress approved March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes."

The report of the commission was submitted to me on the 24th day of December, 1889, and is, with the accompanying documents and a letter of the Secretary of the Interior, herewith transmitted for the information of Congress. It appears from the report of the commission that the consent of more than three-fourths of the adult Indians to the terms of the act last named was secured, as required by section 12 of the treaty of 1868, and upon a careful examination of the papers submitted I find such to be the fact, and that such consent is properly evidenced by the signatures of more than three-fourths of such Indians.

At the outset of the negotiations the commission was confronted by certain questions as to the interpretation and effect of the act of Congress which they were presenting for the acceptance of the Indians. Upon two or three points of some importance the commission gave in response to these inquiries an interpretation to the law, and it was the law thus explained to them that was accepted by the Indians. The commissioners had no power to bind Congress or the Executive by their construction of a statute, but they were the agents of the United States, first, to submit a definite proposition for the acceptance of the Indians, and, that failing, to agree upon modified terms to be submitted to Congress for ratification. They were dealing with an ignorant and suspicious people, and an explanation of the terms and effect of the offer submitted could not be avoided. Good faith demands that if the United States accepts the lands ceded the beneficial construction of the act given by our agents should be also admitted and observed.

The chief difficulty in the construction of the act grows out of its relation to prior treaties, which were by section 19 continued in force so far as they are not in conflict with the terms of the act. The seventh article of the treaty of 1868, relating to schools and schoolhouses, is by section 17 of the act continued in force for twenty years, "subject to such

modifications as Congress shall deem most effective to secure to said Indians equivalent benefits of such education."

Section 7 of the treaty of 1868 provides only for instruction in the "elementary branches of an English education," while section 17 of the act, after continuing this section of the treaty in force, provides a fund which is to be applied "for the promotion of industrial and other suitable education among said Indians." Again, section 7 of the treaty provides for the erection of a schoolhouse for every thirty children who can be induced to attend, while section 20 of the act requires the erection of not less than thirty schoolhouses, and more if found necessary.

The commissioners were asked by the Indians whether the cost of the English schools provided for in section 7 of the treaty and of the schoolhouses provided for in the same section and in section 20 of the act would be a charge against the proceeds of the lands they were now asked to cede to the United States. This question was answered in the negative, and I think the answer was correct. If the act, without reference to section 7 of the treaty, is to be construed to express the whole duty of the Government toward the Indians in the matter of schools, the extension for twenty years of the provisions of that section is without meaning.

The assurance given by the commissioners that the money appropriated by section 27 of the act to pay certain bands for the ponies taken by the military authorities in 1876 would not be a charge against the proceeds of the ceded lands was obviously a correct interpretation of the law.

The Indians were further assured by the commissioners that the amount appropriated for the expenses of the commission could not under the law be made a charge upon the proceeds of their lands. This, I think, is a correct exposition of the act.

It seems from the report of the commission that some of the Indians at the Standing Rock Agency asked whether if they accepted the act they could have the election to take their allotments under section 6 of the treaty of 1868 and have the benefits of sections 8 and 10 of that treaty and were told that they could.

As the treaty is continued in force except where it contravenes the provisions of the act, I do not see any difficulty in admitting this interpretation.

It will be found that the commission has submitted many recommendations, some of them involving legislation and others appealing to powers already possessed by the executive department. The consent of the Indians to the act was not made dependent upon the adoption of any of these recommendations, but many of them are obviously just and promotive of the true interests of the Indians. So far as these require legislation they are earnestly commended to the attention of Congress.

The Secretary of the Interior has prepared and submits with his letter transmitting the report of the commission the draft of a bill embodying those recommendations of the commission requiring legislation.

The appropriations necessary to carry into effect the provisions of the act should be promptly made and be immediately available.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, February 12, 1890

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, respecting the International Marine Conference which was held in the city of Washington in the year 1889, together with a copy of the proceedings of the conference, including the final act.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 17 1890.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 11th instant from the Secretary of the Interior, submitting a copy of a report from the Commissioner of Indian Affairs and accompanying draft of a bill to amend the first section of an act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887.

The matter is presented for the consideration and action of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 18, 1890.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 8th instant from the Secretary of the Interior, submitting a report of the Commissioner of Indian Affairs and accompanying agreement, made with the Sisseton and Wahpeton bands of Dakota or Sioux Indians, for the purchase and release of the surplus lands in the Lake Traverse Indian Reservation, in the States of North and South Dakota, the negotiations for said purchase and release having been conducted under the authority contained in the fifth section of the general allotment act of February 8, 1887 (24 U. S. Statutes at Large, p. 388), which provides, among other things, that the "purchase shall not be complete until ratified by Congress, and the form and manner of executing such release shall also be prescribed by Congress."

This agreement involves a departure from the terms of the general allotment act in at least one important particular. It gives to each member of the tribe, 160 acres of land without regard to age or sex, while the general law gives this allotment only to heads of families. There are, I

think, serious objections to the basis adopted in the general law, especially in its application to married women; but if the basis of the agreement herewith submitted is accepted, it would, I think, result in some cases, where there are large families of minor children, in excessive allotments to a single family. Whatever is done in this case will of course become in some sense a precedent in the cases yet to be dealt with.

Perhaps the question of the payment by the United States of the annuities which were forfeited by the act of February 16, 1863 (12 U. S. Statutes at Large, p. 652), should not have been considered in connection with this negotiation for the cession of these lands. But it appears that a refusal to consider this claim would have terminated the negotiation, and if the claim is just its allowance has already been too long delayed. The forfeiture declared by the act of 1863 unjustly included the annuities of certain Indians of these bands who were not only guilty of no fault, but who rendered meritorious services in the armies of the United States in the suppression of the Sioux outbreak and in the War of the Rebellion.

The agreement submitted, as I understand, provides for the payment of the annuities justly due to these friendly Indians to all the members of the two bands per capita. This is said to be the unanimous wish of the Indians, and a distribution to the friendly Indians and their descendants only would now be very difficult, if not impossible.

The agreement is respectfully submitted for the consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 24, 1890.*

To the Senate and House of Representatives:

I transmit herewith a communication of 18th instant from the Secretary of the Interior, submitting copy of a report from the Commissioner of Indian Affairs, inclosing, with accompanying papers, a draft of a bill authorizing the removal of the Indians of the Papago or Gila Bend Reservation, in Maricopa County, Arizona Territory, to the Papago Indian Reservation, in Pima County, in said Territory, or to the Pima and Maricopa Indian reservations, commonly known as the Gila River and Salt River Indian reservations, respectively, in said Territory, and for other purposes.

The matter is presented for the early consideration and action of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 24, 1890.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 18th instant from the Secretary of the Interior, submitting a copy of a report of the Commissioner

of Indian Affairs and accompanying item for insertion in the bill making appropriations for the current and contingent expenses of the Indian Department, which makes provision for further compensation of Henry B. Carrington, special agent appointed under the act of March 2, 1889, "to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes," to secure the consent of the Indians thereto and appraise the lands and improvements thereof; for an appropriation to remove the Indians whose lands have been sold to the Jocko Reservation, and for additional legislation considered necessary to complete this matter, as suggested by the Commissioner of Indian Affairs.

I also transmit a copy of the report of Special Agent Carrington and its inclosures.

The matter is presented for the early consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *March 4, 1890.*

To the Senate and House of Representatives:

In pursuance of the authority and direction contained in the act of Congress approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," three commissioners were appointed by the President on February 26, 1889, as therein authorized and directed, namely, Henry M. Rice, of Minnesota, Martin Marty, of Dakota, and Joseph B. Whiting, of Wisconsin, to negotiate with said Indians.

The commissioners have submitted their final report, with accompanying papers, showing the results of the negotiations conducted by them, and the same has been carefully reviewed by the Secretary of the Interior in his report to me thereon.

Being satisfied from an examination of the papers submitted that the cession and relinquishment by said Chippewa Indians of their title and interest in the lands specified and described in the agreement with the different bands or tribes of Chippewa Indians in the State of Minnesota was obtained in the manner prescribed in the first section of said act, and that more than the requisite number have signed said agreement, I have, as provided by said act, approved the said instruments in writing constituting the agreement entered into by the commissioners with said Indians.

The commissioners did not escape the embarrassment which unfortunately too often attends our negotiations with the Indians, namely, an indisposition to treat with the Government for further concessions while its obligations incurred under former agreements are unkept. I am sure it will be the disposition of Congress to consider promptly and in a just and friendly spirit the claims presented by these Indians through our

commissioners, which have been formulated in the draft of a bill prepared by the Secretary of the Interior and submitted herewith.

The act of January 14, 1889 (25 U. S. Statutes at Large, p. 642), evidently contemplated the voluntary removal of the body of all these bands of Indians to the White Earth and Red Lake reservations; but a proviso in section 3 of the act authorized any Indian to take his allotment upon the reservation where he now resides. The commissioners report that quite a general desire was expressed by the Indians to avail themselves of this option. The result of this is that the ceded land can not be ascertained and brought to sale under the act until all of the allotments are made.

I recommend that the necessary appropriations to complete the surveys and allotments be made at once available, so that the work may be begun and completed at the earliest possible day.

A copy of the report made by the commissioners, with copies of all the papers submitted therewith, except the census rolls, is herewith presented for the information of the Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *March 24, 1890.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 8th instant, in relation to the employment by the Regular Army of the United States of Indian scouts for the purpose of pursuing hostile Indians in their raids in the territory of the United States and Mexico, and in regard to the proposed transfer of the Apache Chiricahua Indians from Mount Vernon Barracks, Ala., to Fort Sill, Ind. T., I transmit herewith a communication from the Secretary of State on the subject, together with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, *March 29, 1890.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 28th instant, the House of Representatives concurring, I return herewith the bill (S. 1332) entitled "An act granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described for water reservoirs."

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, March 31, 1890.

To the Senate and House of Representatives:

I herewith transmit a report from the Secretary of State, in relation to the discriminating duty now imposed upon foreign works of art, and

recommend that action thereon looking to the removal of the discrimination be taken by Congress during its present session, if practicable.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, April 15, 1890.

To the House of Representatives:

I herewith transmit, in reply to the resolution of the House of Representatives of the 3d instant, a report from the Secretary of State, accompanied by certain correspondence in regard to the seizure of the schooner *Rebecca* by the Mexican customs authorities at Tampico in February, 1884.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, April 18, 1890.

To the Senate and House of Representatives:

I transmit herewith the fifth annual report of the Commissioner of Labor.

BENJ. HARRISON.

EXECUTIVE MANSION, *April 18, 1890.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives, the Senate concurring, I return herewith House bill No. 5179, entitled "An act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia if paid within a specified time."

BENJ. HARRISON.

EXECUTIVE MANSION, *April 21, 1890.*

To the Senate and House of Representatives:

In compliance with a resolution of the House of Representatives, the Senate concurring, I return herewith House bill No. 105, entitled "An act in relation to immediate transportation of dutiable goods, amendatory of the act of July 10, 1880."

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, April 21, 1890.

To the Senate of the United States:

In answer to the resolution of the Senate dated March 25 last, in relation to La Abra Silver Mining Company and the distribution or payment of moneys to that corporation on account of the award in its favor

by the Mexican Government, I transmit herewith a report from the Secretary of State upon the subject, together with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, *April 30, 1890.*

To the Senate of the United States:

In compliance with a resolution of the Senate, the House of Representatives concurring, I return herewith Senate bill 895, entitled "An act to organize the Territory of Oklahoma, to establish courts in the Indian Territory, and for other purposes."

BENJ. HARRISON.

EXECUTIVE MANSION, *May 8, 1890.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of March 31, 1890, respecting the importation into foreign countries of breadstuffs and provisions from the United States and the rates of duty imposed upon such articles, I transmit herewith a report from the Secretary of State on the subject, together with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, *May 13, 1890.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 10th instant from the Secretary of the Interior, and the accompanying copies of correspondence, relative to the condition of the Northern Cheyenne Indians at the Pine Ridge Agency, S. Dak.

The desire of these Indians to be united upon some common reservation with their brethren now occupying the Tongue River Reserve, in Montana, is quite natural, and such an arrangement would, I think, promote the best interests of both of these bands.

BENJ. HARRISON.

EXECUTIVE MANSION, *May 17, 1890.*

To the Senate of the United States:

In compliance with a resolution of the Senate of this date, I return herewith the bill (S. 903) entitled "An act for the erection of a public building in Cedar Rapids, Iowa."

BENJ. HARRISON.

EXECUTIVE MANSION, *May 19, 1890.*

To the Senate and House of Representatives:

I inclose herewith a draft of a bill submitted by the Secretary of the Interior, providing for the survey and disposal of a tract of land situated in the city of Monterey, Cal., known as the "Cuartel" lot.

The lot referred to is one of the tracts excluded from the survey of the Pueblo lands of Monterey, Cal., by the decision of Acting Secretary of the Interior Muldrow of October 4, 1887 (6 Land Decisions, p. 179), on the ground that it was in a state of reservation for national purposes.

A communication from the Secretary of War to the Secretary of the Interior, copy herewith, states that this lot has been occupied at intervals by the War Department for military purposes, but as it is not within the limits of any declared military reservation the act of July 5, 1884 (23 U. S. Statutes at Large, p. 103), providing for a transfer to the Interior Department of abandoned military reservations, does not apply.

The lot is no longer required for military purposes, and a willingness is expressed by the War Department that the Department of the Interior should assume control of it. A copy of the tracing, with notes, is inclosed, showing an approximate survey and describing the situation of the lot.

I also inclose a copy of a report of the Commissioner of the General Land Office to the Secretary of the Interior, setting forth that under the decision of Mr. Muldrow the tract of land known as the "Cuartel" lot belongs to the United States by conquest and by treaty, and is in a state of reservation for national purposes, and respectfully submitting that Congress may continue its status as fixed by said decision or enact appropriate laws providing for its disposition as public land.

BENJ. HARRISON.

EXECUTIVE MANSION, *May 19, 1890.*

To the Senate and House of Representatives:

I transmit herewith a report of the International American Conference, recently in session at this capital, recommending the survey of a route for an intercontinental line of railroad to connect the systems of North America with those of the southern continent, and to be conducted under the direction of a board of commissioners representing the several American Republics.

Public attention has chiefly been attracted to the subject of improved water communication between the ports of the United States and those of Central and South America. The creation of new and improved steamship lines undoubtedly furnishes the readiest means of developing an increased trade with the Latin-American nations. But it should not be forgotten that it is possible to travel by land from Washington to the southernmost capital of South America, and that the opening of railroad communication with these friendly States will give to them and to

us facilities for intercourse and the exchanges of trade that are of special value.

The work contemplated is vast, but entirely practicable. It will be interesting to all, and perhaps surprising to most of us, to notice how much has already been done in the way of railroad construction in Mexico and South America that can be utilized as part of an intercontinental line.

I do not hesitate to recommend that Congress make the very moderate appropriation for surveys suggested by the conference and authorize the appointment of commissioners and the detail of engineer officers to direct and conduct the necessary preliminary surveys.

BENJ. HARRISON.

EXECUTIVE MANSION, *May 21, 1890.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 20th instant from the Secretary of the Interior and accompanying correspondence in the matter of the request of the Seminole Nation of Indians for negotiations with the Creek Nation of Indians for the purchase of an additional quantity of land, being about 25,000 acres, for the use of the Seminoles. The request is based upon the fact that former purchases do not embrace all of the lands upon which the Seminole Indians have made improvements, and which by the corrected survey were given to the Creeks. The money to be paid for these lands is to be reimbursed to the Government by the Seminoles.

BENJ. HARRISON.

EXECUTIVE MANSION, *May 26, 1890.*

To the House of Representatives:

In compliance with the resolutions of the House of Representatives of the 23d instant, the Senate concurring, I return herewith the bills H. R. Nos. 380 and 2007, entitled, respectively, "An act to amend an act entitled 'An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland rivers,' approved January 8, 1889," and "An act granting a pension to the widow of Adam Shrake."

BENJ. HARRISON.

EXECUTIVE MANSION, *May 27, 1890.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing a report adopted by the International American Conference, recently in session at this capital, recommending the establishment of an international American bank, with its principal offices in the city of New York

and branches in the commercial centers of the several other American Republics.

The advantages of such an institution to the merchants of the United States engaged in trade with Central and South America and the purposes intended to be accomplished are fully set forth in the letter of the Secretary of State and the accompanying report. It is not proposed to involve the United States in any financial responsibility, but only to give to the proposed bank a corporate franchise, and to promote public confidence by requiring that its condition and transactions shall be submitted to a scrutiny similar to that which is now exercised over our domestic banking system.

The subject is submitted for the consideration of Congress in the belief that it will be found possible to promote the end desired by legislation so guarded as to avoid all just criticism.

BENJ. HARRISON.

EXECUTIVE MANSION, *May 28, 1890.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 26th instant from the Secretary of the Interior, and accompanying item of appropriation, to enable the President to continue the negotiations authorized by sections 14 and 15 of the Indian appropriation act approved March 2, 1889, with the Cherokee Indians and with all other Indians owning or claiming lands west of the ninety-sixth degree of longitude in the Indian Territory, for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, etc.

The matter is presented for the favorable action of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *June 2, 1890.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 29th ultimo, the Senate concurring, I return herewith the bill (H. R. 7345) entitled "An act authorizing and directing the Secretary of War to establish new harbor lines in Portage Lake, Houghton County, Mich."

BENJ. HARRISON.

EXECUTIVE MANSION, *June 2, 1890.*

To the Senate and House of Representatives:

The International American Conference, recently in session at this capital, recommended for adoption by the several American Republics—

1. A uniform system of customs regulations for the classification and valuation of imported merchandise;

2. A uniform nomenclature for the description of articles of merchandise imported and exported; and

3. The establishment at Washington of an international bureau of information.

The conference also at its final session decided to establish in the city of Washington, as a fitting memorial of its meeting, a Latin-American library, to be formed by contributions from the several nations, of historical, geographical, and literary works, maps, manuscripts, and official documents relating to the history and civilization of America, and expressed a desire that the Government of the United States should provide a suitable building for the shelter of such a library, to be solemnly dedicated upon the four hundredth anniversary of the discovery of America.

The importance of these suggestions is fully set forth in the letter of the Secretary of State and the accompanying documents, herewith transmitted, to which I invite your attention.

BENJ. HARRISON.

EXECUTIVE MANSION, *June 6, 1890.*

To the Senate of the United States:

In response to the resolution of the Senate of the 26th of May, requesting me to "communicate to the Senate such information as may be in possession of the executive department relating to the alleged landing of an armed force from the United States revenue cutter *McLane* at Cedar Keys, Fla., and the alleged entry of houses of citizens by force, and their alleged pursuit of citizens of the United States in the surrounding country, and the authority under which the commanding officer of the cutter acted in any such matter," I submit for the information of the Senate the accompanying correspondence, which contains all the information possessed by the executive department relating to the matters inquired about.

It will be observed that the United States collector of customs at Cedar Keys had been driven from his office and from the town and the administration of the customs laws of the United States at that port suspended by the violent demonstrations and threats of one Cottrell, the mayor of the place, assisted by his town marshal, Mitchell. If it had been necessary, as I do not think it can be in any case, for a United States officer to appeal to the local authorities for immunity from violence in the exercise of his duties, the situation at Cedar Keys did not suggest or encourage such an appeal, for those to whom the appeal would have been addressed were themselves the lawless instruments of the threatened violence. It will always be agreeable to me if the local authorities, acting upon their own sense of duty, maintain the public order in such a way that the officers of the United States shall have no occasion to appeal for the intervention of the General Government; but when this

is not done I shall deem it my duty to use the adequate powers vested in the Executive to make it safe and feasible to hold and exercise the offices established by the Federal Constitution and laws.

The means used in this case were, in my opinion, lawful and necessary, and the officers do not seem to have intruded upon any private right in executing the warrants placed in their hands. The letter dated August 4 last, which appears in the correspondence submitted, appealing to me to intervene for the protection of the citizens of Cedar Keys from the brutal violence of Cottrell, it will be noticed, was written before the appointment of the new collector. That the officers of the law should not have the full sympathy of every good citizen in their efforts to bring these men to merited punishment is matter of surprise and regret. It is a very grim commentary upon the condition of social order at Cedar Keys that only a woman, who had, as she says in her letter, no son or husband who could be made the victim of his malice, had the courage to file charges against this man, who was then holding a subordinate place in the customs service.

BENJ. HARRISON.

EXECUTIVE MANSION, *June 6, 1890.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 5th instant, the House of Representatives concurring, I return herewith the bill (S. 1293) entitled "An act for the relief of Charles F. Bowers."

BENJ. HARRISON.

EXECUTIVE MANSION, *June 16, 1890.*

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress with a view to securing such legislation as may be appropriate, a communication from the Secretary of the Interior, relating to the destruction by fires, carelessly kindled or left, of the timber upon the public lands.

If proper penalties were imposed by law and a few convictions thereunder secured, I do not doubt that much waste of our forests would be prevented.

BENJ. HARRISON.

EXECUTIVE MANSION, *June 18, 1890.*

To the Senate of the United States:

In response to the resolution of the Senate of the 16th instant, relating to the negotiations by the Cherokee Commission for the purchase of certain lands in the Indian Territory, I respectfully state that on the 20th day of May and the 12th day of June, respectively, agreements were signed by the Iowa and the Sac and Fox tribes ceding to the United

States certain of their lands. The contracts and accompanying papers were received at the Interior Department on the 2d and 17th days of June, respectively, and are now under examination by the proper officers of that Department. When these examinations are concluded, the papers will, if found to be complete and conformable to law, be submitted to Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *June 19, 1890.*

To the Senate and House of Representatives:

I transmit herewith, for your information, a letter from the Secretary of State, inclosing a report of the International American Conference, which recommends that reciprocal commercial treaties be entered into between the United States and the several other Republics of this hemisphere.

It has been so often and so persistently stated that our tariff laws offered an insurmountable barrier to a large exchange of products with the Latin-American nations that I deem it proper to call especial attention to the fact that more than 87 per cent of the products of those nations sent to our ports are now admitted free. If sugar is placed upon the free list, practically every important article exported from those States will be given untaxed access to our markets, except wool. The real difficulty in the way of negotiating profitable reciprocity treaties is that we have given freely so much that would have had value in the mutual concessions which such treaties imply. I can not doubt, however, that the present advantages which the products of these near and friendly States enjoy in our markets, though they are not by law exclusive, will, with other considerations, favorably dispose them to adopt such measures, by treaty or otherwise, as will tend to equalize and greatly enlarge our mutual exchanges.

It will certainly be time enough for us to consider whether we must cheapen the cost of production by cheapening labor in order to gain access to the South American markets when we have fairly tried the effect of established and reliable steam communication and of convenient methods of money exchanges. There can be no doubt, I think, that with these facilities well established and with a rebate of duties upon imported raw materials used in the manufacture of goods for export our merchants will be able to compete in the ports of the Latin-American nations with those of any other country.

If after the Congress shall have acted upon pending tariff legislation it shall appear that under the general treaty-making power, or under any special powers given by law, our trade with the States represented in the conference can be enlarged upon a basis of mutual advantage, it will be promptly done.

BENJ. HARRISON.

EXECUTIVE MANSION, *June 24, 1890.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 23d instant, the Senate concurring, I return herewith the bill (H. R. 5702) "granting a pension to Ann Bryan."

BENJ. HARRISON.

EXECUTIVE MANSION, *June 25, 1890.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 23d instant, the House of Representatives concurring, I return herewith the bill (S. 145) "for the relief of the legal representatives of Henry S. French."

BENJ. HARRISON.

EXECUTIVE MANSION, *July 1, 1890.*

To the Senate and House of Representatives:

In my annual message I called attention to the urgent need of legislation for the adjustment of the claims under Mexican grants to lands in Arizona and New Mexico.

I now submit a correspondence which has passed between the Department of State and the Mexican Government concerning the rights of certain Mexican citizens to have their claims to lands ceded to the United States by the treaty adjusted and confirmed. I also submit a letter from the Secretary of the Interior, with accompanying papers, showing the number and extent of these claims and their present condition.

The United States owes a duty to Mexico to confirm to her citizens those valid grants that were saved by the treaty, and the long delay which has attended the discharge of this duty has given just cause of complaint.

The entire community where these large claims exist, and, indeed, all of our people, are interested in an early and final settlement of them. No greater incubus can rest upon the energies of a people in the development of a new country than that resulting from unsettled land titles.

The necessity for legislation is so evident and so urgent that I venture to express the hope that relief will be given at the present session of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 2, 1890.*

To the Senate and House of Representatives:

In compliance with the provisions of section 14 of the act of March 2, 1889, I transmit herewith, for the consideration of Congress, an agreement concluded between the commissioners appointed under that section

on behalf of the United States, commonly known as the Cherokee Commission, and the Sac and Fox Nation of Indians in the Indian Territory on the 12th day of June last.

The Sac and Fox Nation have a national council, and the negotiation was conducted with that body, which undoubtedly had competent authority to contract on behalf of the tribe for the sale of these lands. The letter of the Secretary of the Interior and the accompanying papers, which are submitted herewith, furnish all the information necessary to the consideration of the questions to be determined by Congress.

The only serious question presented is as to that article of the agreement which limits the distribution of the funds to be paid by the United States under it to the Sac and Fox Indians now in the Indian Territory. I very gravely doubt whether the remnant or band of this tribe now living in Iowa has any interest in these lands in the Indian Territory. The reservation there was apparently given in consideration of improvements upon the lands of the tribe in Kansas. The band now resident in Iowa upon lands purchased by their own means, as I am advised, left the Kansas reservation many years before the date of this treaty, and it would seem could have had no equitable interest in the improvements on the Kansas lands, which must have been the result of the labors of that portion of the tribe living upon them. The right of the Iowa band to a participation in the proceeds of the sale of the Kansas reservation was explicitly reserved in the treaty; but it seems to me upon a somewhat hasty examination of the treaty that the reservation in the Indian Territory was intended only for the benefit of those who should go there to reside. The Secretary of the Interior has expressed a somewhat different view of the effect of this treaty; but if the facts are, as I understand, that the Iowa band did not contribute to the improvements which were the consideration for the reservation and did not accept the invitation to settle upon the reservation lands in the Indian Territory, I do not well see how they have either an equitable or legal claim to participate in the proceeds of the sale of those lands.

The whole matter is submitted for the consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 2, 1890.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing the recommendations of the International American Conference for the establishment of improved facilities for postal and cable communication between the United States and the several countries of Central and South America.

I can not too strongly urge upon Congress the necessity of giving this subject immediate and favorable consideration and of making adequate

appropriations to carry the recommendations into effect; and in this connection I beg leave to call attention to what was said on the subject in my annual message.* The delegates of the seventeen neighboring Republics, which have so recently been assembled in Washington at the invitation of this Government, have expressed their wish and purpose to cooperate with the United States in the adoption of measures to improve the means of communication between the several Republics of America. They recognize the necessity of frequent, regular, and rapid steamship service, both for the purpose of maintaining friendly intercourse and for the convenience of commerce, and realize that without such facilities it is useless to attempt to extend the trade between their ports and ours.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 2, 1890.

To the Senate and House of Representatives:

I transmit herewith, for your information, a letter from the Secretary of State, inclosing a copy of a resolution passed by the International American Conference with reference to the celebration of the fourth centennial of the discovery of America.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 2, 1890.*

To the Senate and House of Representatives:

I transmit herewith, as required by section 14 of the act of March 2, 1889, an agreement concluded on the 20th day of May last between the commissioners on behalf of the United States, commonly known as the Cherokee Commission, and the Iowa Indians residing in the Indian Territory.

A letter of the Secretary of the Interior, which is accompanied by communications from the Commissioner of Indian Affairs and the Assistant Attorney-General, is also submitted.

These papers present a full and clear statement of the matters of fact and questions of law which Congress will need to consider in passing upon the question of the ratification of the agreement, which is submitted for its consideration and such action as may be deemed proper.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 11, 1890.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, including a report of the action of the International American Conference,

*See pp 5491–5492.

lately in session in this city, concerning the protection of patents, trademarks, and copyrights in commerce between the American Republics, to which I invite your attention.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 11, 1890.

To the Senate and House of Representatives:

I invite your attention to the accompanying letter of the Secretary of State, submitting the recommendations of the International American Conference for the better protection of the public health against the spread of contagious diseases.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 12, 1890.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing a copy of a report upon weights and measures adopted by the International American Conference, recently in session at this capital.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 12, 1890.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing a copy of a report of the International American Conference, recently in session at this capital, recommending the establishment of an international American monetary union, and suggesting that the President be authorized to invite the several American nations to send delegates to its first meeting in Washington on the first Wednesday of January next; that authority also be granted for the appointment of three delegates on the part of the United States, and that an appropriation be made to meet the necessary expenses.

I commend these suggestions and hope they will receive the prompt consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 14, 1890.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing the recommendation of the International American Conference with reference to the adoption by the American Republics of a uniform code of international law, to which your attention is respectfully directed.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 14, 1890.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing the recommendations of the International American Conference, recently in session at this capital, concerning a uniform system of port dues and consular fees to be adopted by the several American Republics, to which I invite your attention.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 15, 1890.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing a resolution adopted by the International American Conference for the erection of a memorial tablet in the diplomatic chamber of the Department of State to commemorate the meeting of that body.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 15, 1890.*

To the Senate and House of Representatives:

I transmit herewith, for your information, certain reports on the subject of extradition adopted by the International American Conference at its recent sessions in this city.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 15, 1890.*

To the Senate and House of Representatives:

I transmit two agreements concluded by the commission appointed under section 14 of the act of March 2, 1889, commonly known as the Cherokee Commission, with the Citizen band of Pottawatomie Indians and the band of Absentee Shawnees, respectively, for the cession of certain lands to the United States.

Letters from the Secretary of the Interior, the Commissioner of Indian Affairs, and the Assistant Attorney-General for the Department of the Interior relating to the same matter are also submitted.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 17, 1890.*

To the Senate and House of Representatives:

The act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, provides, among other things, that the President shall appoint three competent sanitary engineers to examine and report upon the system of

sewerage existing in the District of Columbia, together with such suggestions and recommendations as may to them seem necessary and desirable for the modification and extension of the same, which report was to be transmitted to Congress by the President at its next session.

In pursuance of the authority thus conferred, on the 17th of August, 1889, I appointed Rudolph Hering, of New York, Samuel M. Gray, of Rhode Island, and Frederick P. Stearns, of Massachusetts, to make this examination and report.

The gentlemen named were believed to have such ability and experience as sanitary engineers as to guarantee an intelligent and exhaustive study of the problem submitted to them.

I transmit herewith their report, which has just been submitted to me, for the consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 23, 1890.*

To the House of Representatives:

In response to the resolution of the House of Representatives requesting me, if in my judgment not incompatible with the public interest, to furnish to the House the correspondence since March 4, 1889, between the Government of the United States and the Government of Great Britain touching the subjects in dispute in the Bering Sea, I transmit a letter from the Secretary of State, which is accompanied by the correspondence referred to in the resolution.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 29, 1890.*

To the Senate and House of Representatives:

The recent attempt to secure a charter from the State of North Dakota for a lottery company, the pending effort to obtain from the State of Louisiana a renewal of the charter of the Louisiana State Lottery, and the establishment of one or more lottery companies at Mexican towns near our border have served the good purpose of calling public attention to an evil of vast proportions. If the baneful effects of the lotteries were confined to the States that give the companies corporate powers and a license to conduct the business, the citizens of other States, being powerless to apply legal remedies, might clear themselves of responsibility by the use of such moral agencies as were within their reach. But the case is not so. The people of all the States are debauched and defrauded. The vast sums of money offered to the States for charters are drawn from the people of the United States, and the General Government through its mail system is made the effective and profitable medium of intercourse between the lottery company and its victims. The use of the mails is quite as essential to the companies as the State license. It would be practically impossible for these companies to exist if the public mails were once effectively closed against their advertisements and remittances. The use of the mails by these companies is a prostitution of an agency

only intended to serve the purposes of a legitimate trade and a decent social intercourse.

It is not necessary, I am sure, for me to attempt to portray the robbery of the poor and the widespread corruption of public and private morals which are the necessary incidents of these lottery schemes.

The national capital has become a subheadquarters of the Louisiana Lottery Company, and its numerous agents and attorneys are conducting here a business involving probably a larger use of the mails than that of any legitimate business enterprise in the District of Columbia. There seems to be good reason to believe that the corrupting touch of these agents has been felt by the clerks in the postal service and by some of the police officers of the District.

Severe and effective legislation should be promptly enacted to enable the Post-Office Department to purge the mails of all letters, newspapers, and circulars relating to the business.

The letter of the Postmaster-General which I transmit herewith points out the inadequacy of the existing statutes and suggests legislation that would be effective.

It may also be necessary to so regulate the carrying of letters by the express companies as to prevent the use of those agencies to maintain communication between the lottery companies and their agents or customers in other States.

It does not seem possible that there can be any division of sentiment as to the propriety of closing the mails against these companies, and I therefore venture to express the hope that such proper powers as are necessary to that end will be at once given to the Post-Office Department.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 30, 1890.

To the Senate of the United States:

I transmit herewith a report from the Acting Secretary of State, in response to a resolution of the Senate of the 23d instant, calling for information touching the alleged arrest and imprisonment of A. J. Diaz by the Cuban authorities and the action which has been taken in respect thereto.

It will be seen that Mr. Diaz has been released.

BENJ. HARRISON.

EXECUTIVE MANSION, *August 8, 1890.*

To the Senate and House of Representatives:

I have received, under date of July 29 ultimo, a communication from Hon. George W. Steele, governor of the Territory of Oklahoma, in which, among other things, he says:

A delegation from township 16, range 1, in this county, has just left me, who came to represent that there are at this time twenty-eight families in that township who are in actual need of the necessaries of life, and they give it as their opinion that

their township is not an exception, and that in the very near future a large proportion of the settlers of this Territory will have to have assistance.

This I have looked for, but have hoped to bridge over until after the legislature meets, when I thought some arrangement might be made for taking care of these needy people; but with little taxable property in the Territory, and very many necessary demands to be made and met, I doubt if the legislature will be able to make such provision until a crop is raised next year as will be adequate to the demands. * * *

Now I know whereof I speak, and I say there are a great many people in this Territory who have not the necessary means of providing meals for a day to come and are being helped by their very poor neighbors. No one regrets more than I do the necessity of making the foregoing statement, and I have hoped to bridge the matter over, as I have said before, until the legislature would meet and see if some provision could be made.

I now see the utter hopelessness of such a course, and I beg of you to call the attention of Congress to the condition of our people, with the earnest hope that provision may be made whereby great suffering may be relieved; and I assure you that so far as I am able to prevent it not one ounce of provisions or a cent of money contributed to the above need shall be improperly used.

Information received by me from other sources leads me to believe that Governor Steele is altogether right in his impression that there will be, unless relief is afforded either by public appropriation or by organized individual effort, widespread suffering among the settlers in Oklahoma. Many of these people expended in travel and in providing shelter for their families all of their accumulated means. The crop prospects for this year are by reason of drought quite unfavorable, and the ability of the Territory itself to provide relief must be inadequate during this year.

I am advised that there is an unexpended balance of about $45,000 of the fund appropriated for the relief of the sufferers by flood upon the Mississippi River and its tributaries, and I recommend that authority be given to use this fund to meet the most urgent necessities of the poorer people in Oklahoma. Steps have been taken to ascertain more particularly the condition of the people throughout the Territory, and if a larger relief should seem to be necessary the facts will be submitted to Congress. If the fund to which I have referred should be made available for relief in Oklahoma, care will be taken that so much of it as is necessary to be expended shall be judiciously applied to the most worthy and necessitous cases.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, August 15, 1890.

To the Senate:

In compliance with the resolution of the Senate of the 26th of July, 1890, calling for all correspondence not already submitted to Congress and now on file in the Department of State touching the efforts made by this Government to secure the modification or repeal by the French Government of its decree of 1881, prohibiting the importation into France of

INDIAN WARFARE: THE PITCHED BATTLE

INDIAN FIGHTING BY TROOPS

Hearing that a depredation had occurred some place within his territory, the commanding officer would gather as many troops as could be spared from the garrisons along the route and would follow the trail of the guilty savages. Extending his front over as wide a space as practicable in order to concentrate the roving bands before him, he would march until some natural obstacle forced or encouraged the Indians to halt and give battle. Then the cavalry would deploy at a gallop and rush into the conflict, while Gatling guns and the supporting infantry poured lead into the hostiles. In one such engagement, Captain Adna R. Chaffee, who later led the American advance on Peking, shouted to his men: "Forward! If any man is killed, I'll make him a corporal." The Indians were no match for disciplined valor intelligently directed, and would usually disintegrate and flee, each man for himself.

See the twenty-three pages of interesting reading concerning the Indian tribes and our wars with them in the index (volume eleven), under the heading "Indian."

American pork and kindred American products, I transmit herewith a report from the Acting Secretary on the subject, with the accompanying correspondence.

BENJ. HARRISON.

EXECUTIVE MANSION, *September 3, 1890.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, which is accompanied by three reports adopted by the conference of American nations recently in session at Washington, relating to the subject of international arbitration. The ratification of the treaties contemplated by these reports will constitute one of the happiest and most hopeful incidents in the history of the Western Hemisphere.

BENJ. HARRISON.

EXECUTIVE MANSION, *October 1, 1890.*

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of Representatives of August 20, 1890, concerning the enforcement of proscriptive edicts against the Jews in Russia, a report from the Secretary of State upon the subject.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, October 1, 1890.

To the Senate:

In response to the resolution of the Senate of September 17, 1890, I inclose a report from the Secretary of State, transmitting all the correspondence found among the files of his Department relating to the claim of Thomas T. Collins against the Government of Spain.

BENJ. HARRISON.

VETO MESSAGES.

EXECUTIVE MANSION, *April 26, 1890.*

To the House of Representatives:

I return herewith without my approval the bill (H. R. 7170) "to authorize the city of Ogden, Utah, to assume an increased indebtedness."

The purpose and effect of this bill is to relieve the city of Ogden from the limitation imposed by the act of July 30, 1886, upon all municipal corporations in the Territories as to the indebtedness which they may

lawfully contract. The general law fixes the limit of 4 per cent upon the last assessment for taxation; this bill extends the limit as to the city of Ogden to 8 per cent. The purposes for which this legislation is asked are not peculiar or exceptional. They relate to schools, street improvements, and to sewerage, and are common to every prosperous and growing town and city. If the argument by which this measure is supported is adopted, the conclusion should be a repeal or modification of the general law; but in my opinion the limitation imposed by the act of 1886 is wise and wholesome and should not be relaxed.

The report of the governor of Utah for 1889 states the population of Ogden to be 15,000, the valuation for taxation $7,000,000, and the existing indebtedness $100,000. It will be noticed that under the existing limit the city has power to increase its indebtedness $180,000, which would seem to be enough to make a good beginning in the construction of sewers, while the cost of street improvements is usually met in large part by direct assessment upon the property benefited.

It is assumed in the report of the House committee that any city in the States similarly situated "would have the making of the needed improvements within its own power," while the fact is that almost all of our States have either by their constitutions or statutes limited the power of municipal corporations to incur indebtedness, and the limit is generally lower than that fixed by the act regulating this matter in the Territories. A large city debt retards growth and in the end defeats the purpose of those who think by mortgaging the future to attract population and property. I do not doubt that the citizens of Ogden will ultimately realize that the creation of a municipal debt of over half a million dollars by a city of 15,000 population—being $37 per capita—is unwise.

BENJ. HARRISON.

EXECUTIVE MANSION, *April 29, 1890.*

To the House of Representatives:

I return without my approval the bill (H. R. 848) "to authorize the construction of an addition to the public building in Dallas, Tex."

The bill authorizes the construction of a wing or addition to the present public building at a cost of $200,000. I find that the bill as originally introduced by the member representing the Congressional district in which Dallas is situated fixed $100,000 as the limit of the proposed expenditure, and it was so reported from the Committee on Public Buildings and Grounds after conferring with the Supervising Architect of the Treasury. A bill of the same tenor was introduced in the Senate by one of the Senators from that State, fixing the same limit of expenditure.

The public building at Dallas, for which a first appropriation of $75,000 was made in 1882, subsequently increased to $125,000, was only completed in 1889. It is probably inadequate now to the convenient transaction of

business, chiefly in that part assigned to the Post-Office Department. The material and architectural style of any addition are fixed by the present building and its ground area by the available unoccupied space, as no provision is made for buying additional ground. The present building is 85 by 56 feet, and Mr. John S. Witwer, the postmaster and the custodian of the building, writing to the Supervising Architect, advises that to meet the present and prospective needs of the Government an addition at least two-thirds as large as the present building should be provided. It will be seen from the following extract from a letter of the Supervising Architect to the chairman of the Senate Committee on Public Buildings and Grounds, dated February 17, 1890, that a building larger than that suggested can be erected within the limit of $100,000. He says:

> From computations made in this office based upon data received it is found that an extension or wing about 40 by 85 feet in dimensions, three stories high, with basement, giving 3,400 square feet, in addition to the 4,760 square feet of the first-floor area of the building, of fireproof construction, can be erected on the present site within the limit of cost proposed by said bill, namely, $100,000.

It may be possible that an expenditure of $325,000 for a public building at Dallas, if the questions of site, material, and architecture were all undetermined, could be defended, but under existing conditions I do not see how an appropriation of $200,000 can be justified when one-half that sum is plainly adequate to such relief as the present site allows.

The legislation for the erection of public buildings has not proceeded, so far as I can trace it, upon any general rules. Neither population nor the extent of the public business transacted has always indicated the points where public buildings should first be built or the cost of the structures. It can not be expected that, in the absence of some general law, the committees of Congress having charge of such matters will proceed in their recommendations upon strict or equal lines. The bills are individual, and if comparisons are attempted the necessary element of probable future growth is made to cover all apparent inequalities. It will be admitted, I am sure, that only a public need should suggest the expenditure of the public money, and that if all such needs can not be at once supplied the most general and urgent should have the preference.

I am not unfriendly to a liberal annual expenditure for the erection of public buildings where the safe and convenient transaction of the public business demands it and the state of the revenues will permit. It would be wiser, in my opinion, to build more and less costly houses and to fix by general law the amount of the annual expenditure for this purpose and some order of preference between the cities asking for public buildings.

But in view of the pending legislation looking to a very large reduction of our revenues and of the urgency and necessity of a large increase in our expenditures in certain directions, I am of the opinion that appropriations for the erection of public buildings and all kindred expenditures

should be kept at the minimum until the effect of other probable legislation can be accurately measured.

The erection of a public building is largely a matter of local interest and convenience, while expenditures for enlarged relief and recognition to the soldiers and sailors of the war for the preservation of the Union, for necessary coast defenses, and for the extension of our commerce with other American States are of universal interest and involve considerations, not of convenience, but of justice, honor, safety, and general prosperity.

BENJ. HARRISON.

EXECUTIVE MANSION, *June 4, 1890.*

To the Senate of the United States:

I return without my approval the bill (S. 1306) "for the erection of a public building at Hudson, N. Y." Hudson, from the best information attainable, is a city of only a little more than 10,000 population. If the postal receipts are a fair indication of the growth of the city, it has not been rapid, as they only increased about $4,000 in ten years. The gross postal receipts for the year 1888 were but $14,809, and the office force consists of three clerks and five carriers. There are no other Government officers at Hudson entitled under the law to offices or to an allowance for rent, unless it be a deputy collector of internal revenue.

It appears from the bill and the correspondence with the Supervising Architect that it is proposed to erect a two-story building, with fireproof vaults, heating and ventilating apparatus, and elevators, 40 by 80 feet in dimensions. The ground-floor area of 3,200 feet, to be devoted to the post-office, would give 400 square feet to each of the present employees. The second story and the basement, each having the same area, will be absolutely tenantless, unless authority is given by law to the custodian to rent the rooms to unofficial tenants. It seems to me to be very clear that the public needs do not suggest or justify such an expenditure as is contemplated by this bill.

BENJ. HARRISON.

EXECUTIVE MANSION, *June 12, 1890.*

To the House of Representatives:

I return without my approval the bill (H. R. 7175) to provide for the purchase of a site and the erection of a public building thereon at Tuscaloosa, in the State of Alabama.

Judged by its postal revenues and by the force employed in the office, the post-office at Tuscaloosa is not an important one. It has one clerk, at a salary of $450, and no carriers. The report of the Postmaster-General shows that the gross receipts for the year 1888 were $6,379 and the net revenue less than $4,000. The annual receipts have only increased about $3,000 in ten years. The rent now paid for a building affording 2,200 square feet of floor space is $275.

A general proposition to erect public buildings at this scale of expense in cities of the size of Tuscaloosa would not, I am sure, receive the sanction of Congress. It would involve the expenditure for buildings of ten times the present net revenues of such offices, and in the case under consideration would involve an increased cost for fuel, lights, and care greater than the rent now paid for the use of a room of ample size. I would not insist that it must always be shown that a proposed public building would yield an interest upon the investment, but in the present uncertain state of the public revenues and expenditures, resulting from pending and probable legislation, there is, in my opinion, an absolute necessity that expenditures for public buildings should be limited to cases where the public needs are very evident and very imperative. It is clear that this is not such a case.

BENJ. HARRISON.

EXECUTIVE MANSION, *June 17, 1890.*

To the Senate of the United States.

I return without my approval the bill (S. 1762) "to change the boundaries of the Uncompahgre Reservation."

This bill proposes to separate from the Ute Indian Reservation in Utah and restore to the public domain two ranges of townships along the east side of the reservation and bordering the Colorado State line. It is said that these lands are wholly worthless to the Indians for cultivation or for grazing purposes, and it must follow, I think, that they are equally worthless for such purposes to white men.

The object, then, of this legislation is to be sought not in any public demand for these lands for the use of settlers—for if they are susceptible of that use the Indians have a clear equity to take allotments upon them—but in that part of the bill which confirms the mineral entries, or entries for mineral uses, which have been unlawfully made "or attempted to be made on said lands." It is evidently a private and not a public end that is to be promoted. It does not follow, of course, that this private end may not be wholly meritorious and the relief sought on behalf of these persons altogether just and proper. The facts, as I am advised, are that upon these lands there are veins or beds of asphaltum or gilsonite supposed to be of very great value.

Entries have been made in that vicinity, but upon public lands, which lands have been resold for very large amounts. It is not important, perhaps, that the United States should in parting with these lands realize their value, but it is essential, I think, that favoritism should have no part in connection with the sales. The bill confirms all attempted entries of these mineral lands at the price of $20 per acre (a price that is suggestive of something unusual) without requiring evidence of the expenditure of any money upon the claim, or even proof that the claimant was the discoverer of the deposits.

The bill requires "good faith," but it will be next to impossible for the officers of the Interior Department to show actual knowledge on the part of the claimant of the lines of the reservation. The case will practically be as to this matter in the hands of the claimant. But why should good faith at the moment of attempting the entry, without any requirement of expenditure, and followed, it may be, within twenty-four hours by actual notice that he was upon a reservation, give an advantage in the sale of these lands that may represent a very large sum of money?

In the second place, I do not think it wise, without notice even to the Indians, to segregate these lands from their reservation. It is true, I think, that they hold these lands by an Executive order, with a contract right to take allotments upon them, and that the lands in question are not likely to be sought as an allotment by any Indian. But the Indians have been placed on this reservation and its boundaries explained to them, and to take these lands in this manner is calculated to excite their distrust and fears, and possibly to create serious trouble.

BENJ. HARRISON.

EXECUTIVE MANSION, *June 20, 1890.*

To the House of Representatives:

I return without my approval the bill (H. R. 3934) "to authorize the board of supervisors of Maricopa County, Ariz., to issue certain bonds in aid of the construction of a certain railroad."

This bill proposes to confer authority upon the supervisors of the county of Maricopa to issue county bonds at the rate of $4,000 per mile in aid of a railroad to be constructed from Phœnix northwardly to the county line, a distance estimated at 50 miles, but probably somewhat longer. The bill seems to have passed the House of Representatives under an entire misapprehension of its true scope and effect. In the brief report submitted by the Committee on Territories it is said that "by the terms of the bill the county receives *bonds* in payment of the money proposed to be advanced," and in the course of the debate the Delegate from Arizona mistakenly stated in response to a request for information that the bill proposed a loan by the county, in exchange for which it was to receive the bonds of the railroad company. In fact, the bill does not provide for a loan to be secured by bonds, but for a subscription of stock. How far this mistake may have affected the passage of the bill can not of course be known.

The bill does not submit the question of granting this aid to a vote of the people of the county, but confers direct authority upon the supervisors to issue the bonds. It is said, however, that in April, 1889, an election was held to obtain the views of the people upon the question. It does not appear from any papers submitted to me who were the managers of this so-called election; what notice, if any, was given; what qualifications on the part of voters were insisted upon, if any, or in what form

the question was presented. There was no law providing for such an election. Being wholly voluntary, the election was, of course, under the management of those who favored the subsidy, and was conducted without any legal restraints as to the voting or certification. I have asked for a statement of the vote by precincts, and have been given what purports to be the vote at twelve points. The total affirmative vote given was 1,975 and the negative 134. But of the affirmative vote 1,543 were given at Phœnix and 188 at Tempe, a town very near to Phœnix. If there were no other objections to this bill, I should deem this alone sufficient, that no provision is made for submitting to a vote of the people at an election, after due notice and under the sanction of law, the question whether this subscription shall be made.

But again, the bill proposes to suspend for this case two provisions of the act of Congress of July 30, 1886—first, that provision which forbids municipal corporations from subscribing to the stock of other corporations or loaning their credit to such corporations, and, second, that provision which forbids any municipal corporation from creating a debt in excess of 4 per cent of its taxable property as fixed by the last assessment. The condition of things then existing in Arizona had not a little to do with the enactment by Congress of this law, intended to give to the people of the Territories that protection against oppressive municipal debts which was secured to the people of most of the States by constitutional limitations. The wisdom of this legislation is not contested by the friends of this bill, but they claim that the circumstances here are so peculiar as to justify this exception. I do not think so. In the States the limitation upon municipal indebtedness is usually placed in the constitution, in order that it may be inflexible. If a showing of need, gain, or advantage is to overcome the barrier, then it is scarcely worth while to declare a limitation. Only a belief that the limit is inflexible will promote care and economy in administration. If this bill becomes a law, how can Congress refuse to any county in any of the Territories the right to subscribe to the stock of a railroad company, especially where the subscription would not exceed the debt limit, upon a showing of the advantages of better and cheaper communications?

Maricopa County is one of great extent. Its northern boundary is 95 miles long, its southern boundary 66, its eastern 45, and its western 102. This great area is to be taxed to construct a road which can, in the nature of things, be of advantage to but a fraction of it. There is no unity of interest or equality of advantage. It may very well be that a section of these lands along the line of the road, and especially town lots in Phœnix, would have an added value much greater than the increased burden imposed, but it is equally clear that much property in the county will receive no appreciable benefit.

The existing bonded indebtedness of Maricopa County is $272,000; the tax assessment of the county is about $5,000,000, and the population

is estimated, by multiplying the vote cast in 1888 by 6, at about 12,000. It will be seen that the bonded debt, to say nothing of a floating debt, which is said to be small, is already largely in excess of the legal limit, and it is proposed to increase it by a subscription that will certainly involve $200,000, and possibly $250,000. If the bill becomes a law, the bonded indebtedness will very closely approximate 10 per cent of the assessed valuation of the property of the county.

The condition of things in the county of Yavapai, lying immediately north of Maricopa, and through which this road is also to run, though not directly affected by this legislation, is very instructive in this connection.

By an act of the legislature of Arizona passed the year before the act of Congress to which I have referred Yavapai County was authorized to subscribe $4,000 per mile to this line of road. The total length of the road in the county was 147 miles, and 74 miles, to Prescott, have been constructed. The secretary of the Territory, in response to an inquiry, states the debt of Yavapai County at $563,000 and the assessment for taxation at "between six and seven millions." There are 73 miles of road yet to be built from the present terminus, Prescott, to the south line of the county, for which Yavapai County must make a further issue of bonds of $292,000, making a total county debt of $855,000, or above 13 per cent upon the taxable assessment (taking that at $6,500,000), and a per capita county debt of nearly $85, taking the population at about 10,600, as stated in the report of the Senate committee. Surely no one will insist that the true and permanent prosperity of these communities will be promoted by loading their energies and their industries with these great debts. I feel the force of the suggestion that the freight charges now imposed upon the farm and orchard products of Maricopa County by the railroads now in operation are oppressive. But this bill does not afford much relief even in that direction. There would be but one competing point, viz, Phœnix. At all other points on the proposed road the people would be subject to the exaction of just such rates as are demanded by the other lines. If this bill contained some effective provision to secure reasonable freight rates to the people who are to be taxed to build the road, it would go far to secure my favorable consideration for it.

I have carefully examined the reports of the committees and every argument that has been submitted to me by the friends of the bill, but I can not bring myself to believe that the permanent welfare of the communities affected by it will be promoted by its passage.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 9, 1890.*

To the House of Representatives:

I return herewith without my approval the bill (H. R. 5974) entitled "An act extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska, and for other purposes."

The United States holds the legal title of these lands, which have been sold for the benefit of the Omaha Indians to secure the unpaid purchase money, the time of payment of which it is proposed by this act to extend. There is no objection that I know of, either on the part of the United States or of the Indians, to the extension of the unpaid installments due from purchasers. This relief is probably due to the purchasers. The bill, however, contains the following provision:

> That all the lands the payment for which is hereby extended shall be subject to taxation in all respects by and in the State of Nebraska as if fully paid for and patents issued.

Now, while it is entirely proper that the interest of the purchasers in these lands should share the burdens of the communities in which the lands are located, the title of the United States and the beneficial interest of the Indians in the lands should not be subjected to sale for the delinquency of the purchasers in paying tax assessments levied upon the lands. The effect of the provision which has been quoted would, in my opinion, give to the purchaser at a tax sale a title superior to the lien of the Government for purchase money. The bill should have contained a proviso that only the interest of the purchasers from the Government could be sold for taxes, and that the tax sale should be subject to the lien of the United States for unpaid purchase money.

BENJ. HARRISON.

EXECUTIVE MANSION, *September 30, 1890.*

To the House of Representatives:

I return herewith without my approval the joint resolution (H. Res. No. 39) declaring the retirement of Captain Charles B. Stivers, of the United States Army, legal and valid, and that he is entitled as such officer to his pay.

Captain Stivers was dismissed the service summarily by order of the President on July 15, 1863. A subsequent examination into the causes leading to this action seems to have satisfied the President that an injustice had been done to the officer, and on the 11th day of August, 1863, an order was issued revoking the order of dismissal and restoring Captain Stivers to duty as an officer of the Army. On December 30, 1864, by a proper order from the War Department, after examination, Captain Stivers was placed upon the retired list of the Army.

The Supreme Court has decided in the case of The United States *vs.* Corson (114 U. S. Reports, 619):

First. That at the time of the issuance of the order of dismissal the President had authority under the law to summarily dismiss an officer, and that the effect of such an order was absolutely to separate the officer from the service.

Second. That having been thus separated from the service he could

not be restored except by nomination to the Senate and its advice and consent to the appointment.

Mr. Garland, as Attorney-General, gave an opinion to the Secretary of War in the case of Captain Stivers, based upon the decision of the Supreme Court to which I have referred, holding that Captain Stivers was not an officer on the retired list of the Army. The present Attorney-General, with whom I have conferred, takes the same view of the law. Indeed, the decision of the Supreme Court to which I have referred is so exactly in point that there can be no doubt as to the law of the case. It is undoubtedly competent for Congress by act or joint resolution to authorize the President, by and with the advice of the Senate, to appoint Captain Stivers to be a captain in the Army of the United States and to place him upon the retired list. It is also perfectly competent by suitable legislation for Congress to give to this officer the pay of his grade during the interval of time when he was improperly carried upon the army lists. But the joint resolution which I herewith return does not attempt to deal with the case in that way. It undertakes to declare that the retirement of Captain Stivers was legal and valid and that he always has been and is entitled to his pay as such officer. I do not think this is a competent method of giving the relief intended. The retirement under the law as it then existed was not legal and valid, as the highest judicial tribunal under the Constitution has declared, for the reason that Captain Stivers was not then an officer on the active list. That being so, it follows, of course, that he was not entitled to draw the pay of an office he did not hold.

The relief should have taken the form usual in such cases, which is to authorize the appointment of the officer to a place made for him on the retired list.

BENJ. HARRISON.

To the Senate: EXECUTIVE MANSION, *October 1, 1890.*

I return to the Senate without my approval the bill (S. 473) "for the relief of the Portland Company, of Portland, Me."

This bill confers upon the Court of Claims jurisdiction to inquire into and determine how much certain steam machinery built for the United States under contract, and to be used in the vessels *Agawam* and *Pontoosuc*, cost the contractors over and above the contract price and any allowances for extra work which have been made, and requires the court to enter judgment in favor of the claimant for the excess of cost above such contract price and allowances.

The bill differs from others which have been presented to me, and one of which I have approved, in that it does not make the further allowance to the contractors contingent upon the fact that the additional expense was the result of the acts of the Government through its officers' causing delays and increased cost in the construction of the work.

The bill in effect directs the court to ignore the contract entirely, except as payments under it are to be treated as credits, and to allow the contractors the cost of the work, and that without reference to their own negligence or want of skill in executing the work. There would seem to be no object in the Government's making a contract for work if the contract is only to be binding upon the parties in the event that the contractor realizes a profit.

I can not give my approval to the proposition applied here, which if allowed here should be given general application, that every contractor with the Government who during the early days of the war failed to realize, by reason of increase in the cost of labor and materials, a profit upon the contract shall now have access to the Court of Claims to recover upon the *quantum meruit* the cost of the work.

BENJ. HARRISON.

To the Senate:

EXECUTIVE MANSION, *October 1, 1890.*

I return without my approval Senate bill No. 1857, "for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison & Valle."

This claim has been once presented to the Court of Claims and fully heard. This bill authorizes a rehearing. I find upon examination that every fact connected with the case necessary to the determination of the question whether the claim should be appropriated for has already been found and stated by the Court of Claims in a published opinion. Judgment was given against the claimant upon the ground that a settlement had been made and a receipt given in full. If in the opinion of Congress this receipt, given under the circumstances which accompanied it, should not be held a bar to such further appropriation as is equitable, all the facts have been found that can be necessary to determine the question what further payment should be made to the contractors. There can be no reason, as it seems to me, for a retrial of the case in the Court of Claims in the absence of any showing of newly discovered evidence. The result would only differ from the result already obtained in that under the bill which I return the court would enter a judgment instead of a finding, and the judgment could only be paid after Congressional action.

The finding which has already been made, as I have said, is a complete basis for any such action as Congress may think should be taken in the premises.

BENJ. HARRISON.

To the Senate:

EXECUTIVE MANSION, *October 1, 1890.*

I return without my approval the bill (S. 3830) "to prohibit bookmaking of any kind and pool selling in the District of Columbia for the purpose of gaming."

My objection to the bill is that it does not prohibit bookmaking and pool selling, but, on the contrary, expressly saves from the operation of its prohibitions and penalties the Washington Jockey Club "and any other regular organizations owning race tracks no less than 1 mile in length," etc.

If this form of gambling is to be prohibited, as I think it should be, the penalties should include all persons and all places.

BENJ. HARRISON.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas it is provided in the act of Congress approved March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes"—

That this act shall take effect only upon the acceptance thereof and consent thereto by the different bands of the Sioux Nation of Indians, in manner and form prescribed by the twelfth article of the treaty between the United States and said Sioux Indians concluded April 29, 1868, which said acceptance and consent shall be made known by proclamation by the President of the United States, upon satisfactory proof presented to him that the same has been obtained in the manner and form required by said twelfth article of said treaty, which proof shall be presented to him within one year from the passage of this act; and upon failure of such proof and proclamation this act becomes of no effect and null and void.

And whereas satisfactory proof has been presented to me that the acceptance of and consent to the provisions of the said act by the different bands of the Sioux Nation of Indians have been obtained in manner and form as therein required:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested, do hereby make known and proclaim the acceptance of said act by the different bands of the Sioux Nation of Indians and the consent thereto by them as required by the act, and said act is hereby declared to be in full force and effect, subject to all the provisions, conditions, limitations, and restrictions therein contained.

All persons will take notice of the provisions of said act and of the conditions, limitations, and restrictions therein contained, and be governed accordingly.

I furthermore notify all persons to particularly observe that by said act certain tracts or portions of the Great Reservation of the Sioux Nation in the Territory of Dakota, as described by metes and bounds, are

set apart as separate and permanent reservations for the Indians receiving rations and annuities at the respective agencies therein named.

That any Indian receiving and entitled to rations and annuities at either of the agencies mentioned in this act at the time the same shall take effect, but residing upon any portion of said Great Reservation not included in either of the separate reservations herein established, may at his option, within one year from the time when this act shall take effect, and within one year after he has been notified of his said right of option, in such manner as the Secretary of the Interior shall direct, by recording his election with the proper agent at the agency to which he belongs, have the allotment to which he would be otherwise entitled on one of said separate reservations upon the land where such Indian may then reside.

That each member or the Ponca tribe of Indians now occupying a part of the old Ponca Reservation, within the limits of the said Great Sioux Reservation, shall be entitled to allotments upon said old Ponca Reservation in quantities as therein set forth, and that when allotments to the Ponca tribe of Indians and to such other Indians as allotments are provided for by this act shall have been made upon that portion of said reservation which is described in the act entitled "An act to extend the northern boundary of the State of Nebraska," approved March 28, 1882, the President shall, in pursuance of said act, declare that the Indian title is extinguished to all lands described in said act not so allotted hereunder, and thereupon all of said land not so allotted and included in said act of March 28, 1882, shall be open to settlement as provided in this act.

That protection is guaranteed to such Indians as may have taken allotments either within or without the said separate reservations under the provisions of the treaty with the Great Sioux Nation concluded April 29, 1868; and that provision is made in said act for the release of all title on the part of said Indians receiving rations and annuities on each separate reservation to the lands described in each of the other separate reservations, and to confirm in the Indians entitled to receive rations at each of said separate reservations, respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured to the different bands of the Sioux Nation by said treaty of April 29 1868; and that said release shall not affect the title of any individual Indian to his separate allotment of land not included in any of said separate reservations, nor any agreement heretofore made with the Chicago Milwaukee and St. Paul Railroad Company or the Dakota Central Rail road Company respecting certain lands for right of way, station grounds, etc., regarding which certain prior rights and privileges are reserved to and for the use of said railroad companies, respectively, upon the terms and conditions set forth in said act.

That it is therein provided that if any land in said Great Sioux Reservation is occupied and used by any religious society at the date of said

act for the purpose of missionary or educational work among the Indians, whether situate outside of or within the limits of any of the separate reservations, the same, not exceeding 160 acres in any one tract, shall be granted to said society for the purposes and upon the terms and conditions therein named; and

Subject to all the conditions and limitations in said act contained, it is therein provided that all the lands in the Great Sioux Reservation outside of the separate reservations described in said act, except American Island, Farm Island, and Niobrara Island, regarding which islands special provisions are therein made, and sections 16 and 36 in each township thereof (which are reserved for school purposes), shall be disposed of by the United States, upon the terms, at the price, and in the manner therein set forth, to actual settlers only, under the provisions of the homestead law (except section 2301 thereof) and under the law relating to town sites.

That section 23 of said act provides—

That all persons who, between the 27th day of February, 1885, and the 17th day of April, 1885, in good faith entered upon or made settlements with intent to enter the same under the homestead or preemption laws of the United States upon any part of the Great Sioux Reservation lying east of the Missouri River, and known as the Crow Creek and Winnebago Reservation, which by the President's proclamation of date February 27, 1885, was declared to be open to settlement, and not included in the new reservation established by section 6 of this act, and who, being otherwise legally entitled to make such entries, located or attempted to locate thereon homestead, preemption, or town-site claims by actual settlement and improvement of any portion of such lands, shall for a period of ninety days after the proclamation of the President required to be made by this act have a right to reenter upon said claims and procure title thereto under the homestead or preemption laws of the United States and complete the same as required therein, and their said claims shall for such time have a preference over later entries; and when they shall have in other respects shown themselves entitled and shall have complied with the law regulating such entries, and, as to homesteads, with the special provisions of this act, they shall be entitled to have said lands, and patents therefor shall be issued as in like cases: *Provided*, That preemption claimants shall reside on their lands the same length of time before procuring title as homestead claimants under this act. The price to be paid for town-site entries shall be such as is required by law in other cases, and shall be paid into the general fund provided for by this act.

It is furthermore hereby made known that there has been and is hereby reserved from entry or settlement that tract of land now occupied by the agency and school buildings at the Lower Brulé Agency, to wit:

The west half of the southwest quarter of section 24, the east half of the southeast quarter of section 23, the west half of the northwest quarter of section 25, the east half of the northeast quarter of section 26, and the northwest fractional quarter of the southeast quarter of section 26, all in township 104 north of range 72 west of the fifth principal meridian.

That there is also reserved as aforesaid the following-described tract within which the Cheyenne River Agency, school, and certain other buildings are located, to wit: Commencing at a point in the center of the

main channel of the Missouri River opposite Deep Creek, about 3 miles south of Cheyenne River; thence due west 5½ miles; thence due north to the Cheyenne River; thence down said river to the center of the main channel thereof to a point in the center of the Missouri River due east or opposite the mouth of said Cheyenne River; thence down the center of the main channel of the Missouri River to the place of beginning.

That in pursuance of the provisions contained in section 1 of said act the tract of land situate in the State of Nebraska and described in said act as follows, to wit: "Beginning at a point on the boundary line between the State of Nebraska and the Territory of Dakota where the range line between ranges 44 and 45 west of the sixth principal meridian, in the Territory of Dakota, intersects said boundary line; thence east along said boundary line 5 miles; thence due south 5 miles; thence due west 10 miles; thence due north to said boundary line; thence due east along said boundary line to the place of beginning," same is continued in a state of reservation so long as it may be needed for the use and protection of the Indians receiving rations and annuities at the Pine Ridge Agency.

Warning is hereby also expressly given to all persons not to enter or make settlement upon any of the tracts of land specially reserved by the terms of said act or by this proclamation, or any portion of any tracts of land to which any individual member of either of the bands of the Great Sioux Nation or the Ponca tribe of Indians shall have a preference right under the provisions of said act; and further, to in no wise interfere with the occupancy of any of said tracts by any of said Indians, or in any manner to disturb, molest, or prevent the peaceful possession of said tracts by them

The surveys required to be made of the lands to be restored to the public domain under the provisions of the said act and as in this proclamation set forth will be commenced and executed as early as possible.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 10th day of February, A. D. 1890, and of the Independence of the United States the one hundred and fourteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas that portion of the Indian Territory commonly known as the Cherokee Strip or Outlet has been for some years in the occupancy of an association or associations of white persons under certain contracts

said to have been made with the Cherokee Nation, in the nature of a lease or leases for grazing purposes; and

Whereas an opinion has been given to me by the Attorney-General, concurring with the opinion given to my predecessor by the late Attorney-General, that whatever the right or title of said Cherokee Nation or of the United States to or in said lands may be, no right exists in said Cherokee Nation under the statutes of the United States to make such leases or grazing contracts, and that such contracts are wholly illegal and void; and

Whereas the continued use of said lands thereunder for grazing purposes is prejudicial to the public interests:

Now, therefore, I, Benjamin Harrison, President of the United States, do hereby proclaim and give notice—

First. That no cattle or live stock shall hereafter be brought upon said lands for herding or grazing thereon.

Second. That all cattle and other live stock now on said outlet must be removed therefrom not later than October 1, 1890, and so much sooner as said lands or any of them may be or become lawfully open to settlement by citizens of the United States; and that all persons connected with said cattle companies or associations must, not later than the time above indicated, depart from said lands.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 17th day of February, A. D. 1890, and of the Independence of the United States of America the one hundred and fourteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The following provisions of the laws of the United States are hereby published for the information of all concerned:

Section 1956, Revised Statutes, chapter 3, Title XXIII, enacts that—

No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory or in the waters thereof; and every person guilty thereof shall for each offense be fined not less than $200 nor more than $1,000, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulations as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur seal and to provide for the execution of the

provisions of this section until it is otherwise provided by law, nor shall he grant any special privileges under this section.

* * * * * * *

Section 3 of the act entitled "An act to provide for the protection of the salmon fisheries of Alaska," approved March 2, 1889, provides that—

SEC. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Bering Sea, and it shall be the duty of the President at a timely season in each year to issue his proclamation, and cause the same to be published for one month in at least one newspaper (if any such there be) published at each United States port of entry on the Pacific coast, warning all persons against entering such waters for the purpose of violating the provisions of said section, and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein.

Now, therefore, I, Benjamin Harrison, President of the United States, pursuant to the above-recited statutes, hereby warn all persons against entering the waters of Bering Sea within the dominion of the United States for the purpose of violating the provisions of said section 1956, Revised Statutes; and I hereby proclaim that all persons found to be or have been engaged in any violation of the laws of the United States in said waters will be arrested and punished as above provided, and that all vessels so employed, their tackle, apparel, furniture, and cargoes, will be seized and forfeited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of March, 1890, and of the Independence of the United States the one hundred and fourteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.

PROCLAMATION.

SEPTEMBER 19, 1890.

To whom it may concern:

Whereas it has been represented to me that by reason of the drought which has prevailed in the Indian Territory and in the adjoining States the execution of my proclamation of February 17, 1890, requiring the removal of all live stock from the Cherokee Outlet on or before October 1 would work great hardship and loss, not only to the owners of stock herded upon the strip, but to the owners of cattle in the adjoining States; and

Whereas the owners of all cattle now herded upon the outlet have submitted to me a proposition in writing whereby they agree to remove one-half of their stock from the outlet on or before November 1 and the

residue thereof and all their property and employees on or before December 1 next, and to abandon all claims in said outlet:

Now, therefore, I, Benjamin Harrison, President of the United States, do give notice and proclaim that the time heretofore fixed for the removal of the live stock herded upon said outlet is extended to November 1 as to one-half thereof and to December 1 next as to the residue thereof and as to all property and employees.

BENJ. HARRISON.

By the President of the United States of America.

A PROCLAMATION.

Whereas it is provided in the act of Congress entitled "An act to extend the northern boundary of the State of Nebraska," approved March 28, 1882—

That the northern boundary of the State of Nebraska shall be, and hereby is, subject to the provisions hereinafter contained, extended so as to include all that portion of the Territory of Dakota lying south of the forty-third parallel of north latitude and east of the Keya Paha River and west of the main channel of the Missouri River; and when the Indian title to the lands thus described shall be extinguished the jurisdiction over said lands shall be, and hereby is, ceded to the State of Nebraska, and subject to all the conditions and limitations provided in the act of Congress admitting Nebraska into the Union, and the northern boundary of the State shall be extended to said forty-third parallel as fully and effectually as if said lands had been included in the boundaries of said State at the time of its admission to the Union; reserving to the United States the original right of soil in said lands and of disposing of the same: *Provided*, That this act, so far as jurisdiction is concerned, shall not take effect until the President shall by proclamation declare that the Indian title to said lands has been extinguished, nor shall it take effect until the State of Nebraska shall have assented to the provisions of this act; and if the State of Nebraska shall not by an act of its legislature consent to the provisions of this act within two years next after the passage hereof this act shall cease and be of no effect.

And whereas by section 13 of the act entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, it is provided—

That when the allotments to the Ponca tribe of Indians and to such other Indians as allotments are provided for by this act shall have been made upon that portion of said reservation which is described in the act entitled "An act to extend the northern boundary of the State of Nebraska," approved March 28, 1882, the President shall, in pursuance of said act, declare that the Indian title is extinguished to all lands described in said act not so allotted hereunder, and thereupon all of said land not so allotted and included in said act of March 28, 1882, shall be open to settlement as provided in this act: *Provided*, That the allotments to Ponca and other Indians authorized by this act to be made upon the land described in the said act entitled "An act to extend the northern boundary of the State of Nebraska" shall be made within six months from the time this act shall take effect.

And whereas the State of Nebraska, by an act of its legislature approved May 23, 1882, entitled "An act declaring the assent of the State

of Nebraska to an act of Congress of the United States entitled 'An act to extend the northern boundary of the State of Nebraska,' approved March 28, 1882,'' assented to and accepted the provisions of said act of Congress approved March 28, 1882; and

Whereas allotments have been made to the Ponca tribe of Indians under and in accordance with the provisions of said section 13 of the act of March 2, 1889, and no other Indians having selected or applied for allotments upon that portion of the reservation of the Sioux Nation of Indians described in the act of March 28, 1882, aforesaid, and the six months' limit of time within which said allotments were authorized to be made having expired on the 10th day of August, 1890:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by the act (section 13) of March 2, 1889, aforesaid, and in pursuance of the act of March 28, 1882, aforesaid, do hereby declare that the Indian title is extinguished to all lands described in said act of March 28, 1882, not allotted to the Ponca tribe of Indians as aforesaid and shown upon a schedule, in duplicate, of allotments made and certified jointly by George P. Litchfield, United States special agent, and James E. Helms, United States Indian agent, July 31, 1890, and approved by the Acting Commissioner of Indian Affairs October 14, 1890, and by the Acting Secretary of the Interior October 22, 1890, one copy of which schedule of allotments is now on file in the office of the Commissioner of Indian Affairs and the other in the office of the Commissioner of the General Land Office, Department of the Interior.

Be it known, however, that there is hereby reserved from entry or settlement that tract of land now occupied by the agency and school buildings of the old Ponca Agency, to wit: The south half of the southeast quarter of section 26 and the south half of the southwest quarter of section 25, all in township 32 north, range 7 west of the sixth principal meridian.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 23d day of October, A. D. 1890, and of the Independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:

ALVEY A. ADEE, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

By the grace and favor of Almighty God the people of this nation have been led to the closing days of the passing year, which has been full of the blessings of peace and the comforts of plenty. Bountiful

compensation has come to us for the work of our minds and of our hands in every department of human industry.

Now, therefore, I, Benjamin Harrison, President of the United States of America, do hereby appoint Thursday, the 27th day of the present month of November, to be observed as a day of prayer and thanksgiving; and I do invite the people upon that day to cease from their labors, to meet in their accustomed houses of worship, and to join in rendering gratitude and praise to our beneficent Creator for the rich blessings He has granted to us as a nation and in invoking the continuance of His protection and grace for the future. I commend to my fellow-citizens the privilege of remembering the poor, the homeless, and the sorrowful. Let us endeavor to merit the promised recompense of charity and the gracious acceptance of our praise.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 8th day of November, A. D. 1890, and of the Independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an act of Congress in regard to collision at sea was approved September 4, 1890, the said act being in the following words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in every case of collision between two vessels it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to stay by the other vessel until he has ascertained that she has no need of further assistance, and to render to the other vessel, her master, crew, and passengers (if any), such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision, and also to give to the master or person in charge of the other vessel the name of his own vessel and her port of registry, or the port or place to which she belongs, and also the name of the ports and places from which and to which she is bound. If he fails so to do, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

SEC. 2. That every master or person in charge of a United States vessel who fails, without reasonable cause, to render such assistance or give such information as aforesaid shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of $1,000 or imprisonment for a term not exceeding two years; and for the above sum the vessel shall be liable and may be seized and proceeded against by process in any district court of the United States by any person; one-half such sum to be payable to the informer and the other half to the United States.

SEC. 3. That this act shall take effect at a time to be fixed by the President by proclamation issued for that purpose.

And whereas it is provided by section 3 of the said act that it shall take effect at a time to be fixed by the President by proclamation issued for that purpose:

Now, therefore, I, Benjamin Harrison, President of the United States of America, do hereby, in virtue of the authority vested in me by section 3 of the said act, proclaim the 15th day of December, 1890, as the day on which the said act shall take effect.

In testimony whereof I have hereunto set my hand and caused the seal of the United States of America to be affixed.

[SEAL.] Done at the city of Washington, this 18th day of November, A. D. 1890, and of the Independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

EXECUTIVE ORDERS.

AMENDMENT OF CIVIL-SERVICE RULES.

Special Departmental Rule No. 1 is hereby amended so as to include among the exceptions from examination in the Department of Agriculture the following:

Scientific or professional experts to be employed in investigations specially authorized by Congress, but not to include any persons regularly employed in that Department nor any persons whose duties are not scientific or professional, and who are not experts in the particular line of scientific or professional inquiry in which they are to be employed.

Approved, January 29, 1890.

BENJ. HARRISON.

AMENDMENTS OF CIVIL-SERVICE RULES.

Section 1 of Postal Rule II is hereby amended by adding to the subjects of the clerk examination the following: "Reading addresses and physical tests;" and to the subjects of carrier examination the following: "Reading addresses."

Approved, January 29, 1890.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

Special Customs Rule No. 1 is hereby amended by adding thereto the following:

In the customs district of New York: Detectives employed exclusively as such.

Approved, March 10, 1890.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

That part of Special Departmental Rule No. 1 relating to the Coast and Geodetic Survey, as printed on page 66 of the Fifth Annual Report of the Commission, is hereby amended by striking out in line 3, after the word "to," the words "general office assistant," and inserting in lieu thereof the words "assistant in charge of office and topography;" so that as amended the clause will read: "confidential clerk to assistant in charge of office and topography."

Approved, March 10, 1890.

BENJ. HARRISON.

AMENDMENTS OF CIVIL-SERVICE RULES.

MARCH 28, 1890.

Departmental Rule VII is hereby amended by adding thereto the following section, to be numbered 7:

7. In case of temporary absence, from sickness or other unavoidable cause, of clerks, copyists, or employees of other grades for which examinations are held, there may be certified in the manner provided for in this rule, and employed under such regulations as the heads of the several Departments shall prescribe, substitutes for such clerks, copyists, or other employees so absent; and such substitutes so employed in any Department shall be appointed in the order of their employment as substitutes to the regular grades of that Department without further certification as vacancies to which they are eligible may occur therein while so employed as substitutes, every such appointment to be at once reported to the Commission: *Provided*, That no person while employed as a substitute in one Department shall be certified as a substitute to any other Department, and that no person employed as a substitute shall by reason of such employment be deprived of any right of certification for a regular place to which he may be entitled under the rules: *And provided further*, That service rendered as a substitute shall not be ground for reinstatement under Departmental Rule X. The time during which any substitute who shall be appointed to a regular place is actually employed as such shall be counted as a part of his period of probation. No substitute shall be employed in any Department otherwise than as herein provided.

Special Departmental Rule No. 2 is hereby revoked.

BENJ. HARRISON.

[From McPherson's Hand Book of Politics for 1890.]

EXECUTIVE MANSION, *April 24, 1890.*

To the Attorney-General:

I have had frequent occasion during the last six months to confer with you in reference to the obstructions offered in the counties of Leon, Gadsden, Madison, and Jefferson, in the State of Florida, to the execution of the process of the courts of the United States. It is not necessary to

say more of the situation than that the officers of the United States are not suffered freely to exercise their lawful functions. This condition of things can not be longer tolerated. You will therefore instruct United States Marshal Weeks as soon as he has qualified to proceed at once to execute such writs of arrest as may be placed in his hands. If he apprehends resistance, he will employ such civil posse as may seem adequate to discourage resistance or to overcome it. He should proceed with calmness and moderation, which should always attend a public officer in the execution of his duty, and at the same time with a firmness and courage that will impress the lawless with a wholesome sense of the dangers and futility of resistance. You will assure the officers of the law and those who have foolishly and wickedly thought to set the law at defiance that every resource lodged with the Executive by the Constitution and the laws will as the necessity arises be employed to make it safe and feasible to hold a Federal commission and to execute the duties it imposes.

Very respectfully,

BENJ. HARRISON.

By the President of the United States.

EXECUTIVE ORDER.

Executive Mansion, *May 27, 1890.*

It is hereby ordered, That the several Executive Departments and the Government Printing Office be closed on Friday, the 30th instant, to enable the employees to participate in the decoration of the graves of the soldiers and sailors who fell in defense of the Union during the War of the Rebellion.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

United States Civil Service Commission,
Washington, D. C., May 31, 1890.

The President.

Sir: This Commission has the honor to recommend that Special Departmental Rule No. 1 be amended by adding to the exceptions from examination therein declared the following:

"In the Department of the Treasury, in the life-saving service: Topographer and hydrographer."

We have the honor to be, your obedient servants,

CHAS. LYMAN,
THEODORE ROOSEVELT,
HUGH S. THOMPSON,
United States Civil Service Commissioners.

Approved, June 3, 1890.

BENJ HARRISON.

EXECUTIVE MANSION,
*Washington, July 14, 1890.**

The death of John C. Frémont, a major-general on the retired list of the Army of the United States, is an event calling for some appropriate expression of the national sorrow and of a grateful appreciation of his public services. His career was full of adventurous and useful discovery and of devoted and conspicuous service both in civil and military affairs. He opened the passes of the Rocky Mountains and gave value to his discoveries by aiding to create an American State on the Pacific Coast.

It is therefore ordered, That the national flag be displayed at half-mast upon all the buildings of the Executive Departments in this city until after the funeral shall have taken place.

By direction of the President:

E. W. HALFORD,
Private Secretary.

AMENDMENTS OF CIVIL-SERVICE RULES.

Departmental Rule VIII, section 1, clause (*b*), is hereby amended by inserting after the word "transacted" the following: "and from the office of the Solicitor of the Treasury;" and after the word "Department" where it last occurs the following: "or to said office;" so that as amended the clause will read:

(*b*) From a bureau of the Treasury Department in which business relating to the customs is transacted and from the office of the Solicitor of the Treasury to a classified customs district, and from such a district to such a bureau of the Treasury Department or to said office, upon requisition by the Secretary of the Treasury.

Approved, July 23, 1890.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

JULY 30, 1890.

Special Departmental Rule No. 1 is hereby amended by adding to the places excepted from examination in the Department of Agriculture the following:

Wood engravers.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

SEPTEMBER 2, 1890.

Special Departmental Rule No. 1 is hereby amended by adding to the places excepted from examination therein the following:

In the Post-Office Department, office of the Postmaster-General: Stenographer as confidential clerk to the chief post-office inspector.

BENJ. HARRISON.

*Addressed to the heads of the Executive Departments, etc.

AMENDMENT OF CIVIL-SERVICE RULES.

OCTOBER 31, 1890.

Section 7 of Railway Mail Rule IV is hereby amended by inserting in line 7, after the word "days," the following: "or until the emergency ceases."

BENJ. HARRISON.

SECOND ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 1, 1890.*

To the Senate and House of Representatives:

The reports of the several Executive Departments, which will be laid before Congress in the usual course, will exhibit in detail the operations of the Government for the last fiscal year. Only the more important incidents and results, and chiefly such as may be the foundation of the recommendations I shall submit, will be referred to in this annual message.

The vast and increasing business of the Government has been transacted by the several Departments during the year with faithfulness, energy, and success.

The revenues, amounting to above $450,000,000, have been collected and disbursed without revealing, so far as I can ascertain, a single case of defalcation or embezzlement. An earnest effort has been made to stimulate a sense of responsibility and public duty in all officers and employees of every grade, and the work done by them has almost wholly escaped unfavorable criticism. I speak of these matters with freedom because the credit of this good work is not mine, but is shared by the heads of the several Departments with the great body of faithful officers and employees who serve under them. The closest scrutiny of Congress is invited to all the methods of administration and to every item of expenditure.

The friendly relations of our country with the nations of Europe and of the East have been undisturbed, while the ties of good will and common interest that bind us to the States of the Western Hemisphere have been notably strengthened by the conference held in this capital to consider measures for the general welfare. Pursuant to the invitation authorized by Congress, the representatives of every independent State of the American continent and of Hayti met in conference in this capital in October, 1889, and continued in session until the 19th of last April. This important convocation marks a most interesting and influential epoch in the history of the Western Hemisphere. It is noteworthy that Brazil, invited while under an imperial form of government, shared as a

republic in the deliberations and results of the conference. The recommendations of this conference were all transmitted to Congress at the last session.

The International Marine Conference, which sat at Washington last winter, reached a very gratifying result. The regulations suggested have been brought to the attention of all the Governments represented, and their general adoption is confidently expected. The legislation of Congress at the last session is in conformity with the propositions of the conference, and the proclamation therein provided for will be issued when the other powers have given notice of their adhesion.

The Conference of Brussels, to devise means for suppressing the slave trade in Africa, afforded an opportunity for a new expression of the interest the American people feel in that great work. It soon became evident that the measure proposed would tax the resources of the Kongo Basin beyond the revenues available under the general act of Berlin of 1884. The United States, not being a party to that act, could not share in its revision, but by a separate act the Independent State of the Kongo was freed from the restrictions upon a customs revenue. The demoralizing and destructive traffic in ardent spirits among the tribes also claimed the earnest attention of the conference, and the delegates of the United States were foremost in advocating measures for its repression. An accord was reached the influence of which will be very helpful and extend over a wide region. As soon as these measures shall receive the sanction of the Netherlands, for a time withheld, the general acts will be submitted for ratification by the Senate. Meanwhile negotiations have been opened for a new and completed treaty of friendship, commerce, and navigation between the United States and the Independent State of the Kongo.

Toward the end of the past year the only independent monarchical government on the Western Continent, that of Brazil, ceased to exist, and was succeeded by a republic. Diplomatic relations were at once established with the new Government, but it was not completely recognized until an opportunity had been afforded to ascertain that it had popular approval and support. When the course of events had yielded assurance of this fact, no time was lost in extending to the new Government a full and cordial welcome into the family of American Commonwealths. It is confidently believed that the good relations of the two countries will be preserved and that the future will witness an increased intimacy of intercourse and an expansion of their mutual commerce.

The peace of Central America has again been disturbed through a revolutionary change in Salvador, which was not recognized by other States, and hostilities broke out between Salvador and Guatemala, threatening to involve all Central America in conflict and to undo the progress which had been made toward a union of their interests. The efforts of this Government were promptly and zealously exerted to compose their differences.

and through the active efforts of the representative of the United States a provisional treaty of peace was signed August 26, whereby the right of the Republic of Salvador to choose its own rulers was recognized. General Ezeta, the chief of the Provisional Government, has since been confirmed in the Presidency by the Assembly, and diplomatic recognition duly followed.

The killing of General Barrundia on board the Pacific mail steamer *Acapulco*, while anchored in transit in the port of San Jose de Guatemala, demanded careful inquiry. Having failed in a revolutionary attempt to invade Guatemala from Mexican territory, General Barrundia took passage at Acapulco for Panama. The consent of the representatives of the United States was sought to effect his seizure, first at Champerico, where the steamer touched, and afterwards at San Jose. The captain of the steamer refused to give up his passenger without a written order from the United States minister. The latter furnished the desired letter, stipulating as the condition of his action that General Barrundia's life should be spared and that he should be tried only for offenses growing out of his insurrectionary movements. This letter was produced to the captain of the *Acapulco* by the military commander at San Jose as his warrant to take the passenger from the steamer. General Barrundia resisted capture and was killed. It being evident that the minister, Mr. Mizner, had exceeded the bounds of his authority in intervening, in compliance with the demands of the Guatemalan authorities, to authorize and effect, in violation of precedent, the seizure on a vessel of the United States of a passenger in transit charged with political offenses, in order that he might be tried for such offenses under what was described as martial law, I was constrained to disavow Mr. Mizner's act and recall him from his post.

The Nicaragua Canal project, under the control of our citizens, is making most encouraging progress, all the preliminary conditions and initial operations having been accomplished within the prescribed time.

During the past year negotiations have been renewed for the settlement of the claims of American citizens against the Government of Chile, principally growing out of the late war with Peru. The reports from our minister at Santiago warrant the expectation of an early and satisfactory adjustment.

Our relations with China, which have for several years occupied so important a place in our diplomatic history, have called for careful consideration and have been the subject of much correspondence.

The communications of the Chinese minister have brought into view the whole subject of our conventional relations with his country, and at the same time this Government, through its legation at Peking, has sought to arrange various matters and complaints touching the interests and protection of our citizens in China.

In pursuance of the concurrent resolution of October 1, 1890, I have proposed to the Governments of Mexico and Great Britain to consider a

conventional regulation of the passage of Chinese laborers across our southern and northern frontiers.

On the 22d day of August last Sir Edmund Monson, the arbitrator selected under the treaty of December 6, 1888, rendered an award to the effect that no compensation was due from the Danish Government to the United States on account of what is commonly known as the Carlos Butterfield claim.

Our relations with the French Republic continue to be cordial. Our representative at that court has very diligently urged the removal of the restrictions imposed upon our meat products, and it is believed that substantial progress has been made toward a just settlement.

The Samoan treaty, signed last year at Berlin by the representatives of the United States, Germany, and Great Britain, after due ratification and exchange, has begun to produce salutary effects. The formation of the government agreed upon will soon replace the disorder of the past by a stable administration alike just to the natives and equitable to the three powers most concerned in trade and intercourse with the Samoan Islands. The chief justice has been chosen by the King of Sweden and Norway on the invitation of the three powers, and will soon be installed. The land commission and the municipal council are in process of organization. A rational and evenly distributed scheme of taxation, both municipal and upon imports, is in operation. Malietoa is respected as King.

The new treaty of extradition with Great Britain, after due ratification, was proclaimed on the 25th of last March. Its beneficial working is already apparent.

The difference between the two Governments touching the fur-seal question in the Bering Sea is not yet adjusted, as will be seen by the correspondence which will soon be laid before the Congress. The offer to submit the question to arbitration, as proposed by Her Majesty's Government, has not been accepted, for the reason that the form of submission proposed is not thought to be calculated to assure a conclusion satisfactory to either party. It is sincerely hoped that before the opening of another sealing season some arrangement may be effected which will assure to the United States a property right derived from Russia, which was not disregarded by any nation for more than eighty years preceding the outbreak of the existing trouble.

In the tariff act a wrong was done to the Kingdom of Hawaii which I am bound to presume was wholly unintentional. Duties were levied on certain commodities which are included in the reciprocity treaty now existing between the United States and the Kingdom of Hawaii, without indicating the necessary exception in favor of that Kingdom. I hope Congress will repair what might otherwise seem to be a breach of faith on the part of this Government.

An award in favor of the United States in the matter of the claim of Mr. Van Bokkelen against Hayti was rendered on the 4th of December,

1888, but owing to disorders then and afterwards prevailing in Hayti the terms of payment were not observed. A new agreement as to the time of payment has been approved and is now in force. Other just claims of citizens of the United States for redress of wrongs suffered during the late political conflict in Hayti will, it is hoped, speedily yield to friendly treatment.

Propositions for the amendment of the treaty of extradition between the United States and Italy are now under consideration.

You will be asked to provide the means of accepting the invitation of the Italian Government to take part in an approaching conference to consider the adoption of a universal prime meridian from which to reckon longitude and time. As this proposal follows in the track of the reform sought to be initiated by the Meridian Conference of Washington, held on the invitation of this Government, the United States should manifest a friendly interest in the Italian proposal.

In this connection I may refer with approval to the suggestion of my predecessors that standing provision be made for accepting, whenever deemed advisable, the frequent invitations of foreign governments to share in conferences looking to the advancement of international reforms in regard to science, sanitation, commercial laws and procedure, and other matters affecting the intercourse and progress of modern communities.

In the summer of 1889 an incident occurred which for some time threatened to interrupt the cordiality of our relations with the Government of Portugal. That Government seized the Delagoa Bay Railway, which was constructed under a concession granted to an American citizen, and at the same time annulled the charter. The concessionary, who had embarked his fortune in the enterprise, having exhausted other means of redress, was compelled to invoke the protection of his Government. Our representations, made coincidently with those of the British Government, whose subjects were also largely interested, happily resulted in the recognition by Portugal of the propriety of submitting the claim for indemnity growing out of its action to arbitration. This plan of settlement having been agreed upon, the interested powers readily concurred in the proposal to submit the case to the judgment of three eminent jurists, to be designated by the President of the Swiss Republic, who, upon the joint invitation of the Governments of the United States, Great Britain, and Portugal, has selected persons well qualified for the task before them.

The revision of our treaty relations with the Empire of Japan has continued to be the subject of consideration and of correspondence. The questions involved are both grave and delicate; and while it will be my duty to see that the interests of the United States are not by any changes exposed to undue discrimination, I sincerely hope that such revision as will satisfy the legitimate expectations of the Japanese Government and

maintain the present and long-existing friendly relations between Japan and the United States will be effected.

The friendship between our country and Mexico, born of close neighborhood and strengthened by many considerations of intimate intercourse and reciprocal interest, has never been more conspicuous than now nor more hopeful of increased benefit to both nations. The intercourse of the two countries by rail, already great, is making constant growth. The established lines and those recently projected add to the intimacy of traffic and open new channels of access to fresh areas of demand and supply. The importance of the Mexican railway system will be further enhanced to a degree almost impossible to forecast if it should become a link in the projected intercontinental railway. I recommend that our mission in the City of Mexico be raised to the first class.

The cordial character of our relations with Spain warrants the hope that by the continuance of methods of friendly negotiation much may be accomplished in the direction of an adjustment of pending questions and of the increase of our trade. The extent and development of our trade with the island of Cuba invest the commercial relations of the United States and Spain with a peculiar importance. It is not doubted that a special arrangement in regard to commerce, based upon the reciprocity provision of the recent tariff act, would operate most beneficially for both Governments. This subject is now receiving attention.

The restoration of the remains of John Ericsson to Sweden afforded a gratifying occasion to honor the memory of the great inventor, to whose genius our country owes so much, and to bear witness to the unbroken friendship which has existed between the land which bore him and our own, which claimed him as a citizen.

On the 2d of September last the commission appointed to revise the proceedings of the commission under the claims convention between the United States and Venezuela of 1866 brought its labors to a close within the period fixed for that purpose. The proceedings of the late commission were characterized by a spirit of impartiality and a high sense of justice, and an incident which was for many years the subject of discussion between the two Governments has been disposed of in a manner alike honorable and satisfactory to both parties. For the settlement of the claim of the Venezuela Steam Transportation Company, which was the subject of a joint resolution adopted at the last session of Congress, negotiations are still in progress, and their early conclusion is anticipated.

The legislation of the past few years has evinced on the part of Congress a growing realization of the importance of the consular service in fostering our commercial relations abroad and in protecting the domestic revenues. As the scope of operations expands increased provision must be made to keep up the essential standard of efficiency. The necessity of some adequate measure of supervision and inspection has been so often presented that I need only commend the subject to your attention.

The revenues of the Government from all sources for the fiscal year ending June 30, 1890, were $463,963,080.55 and the total expenditures for the same period were $358,618,584.52. The postal receipts have not heretofore been included in the statement of these aggregates, and for the purpose of comparison the sum of $60,882,097.92 should be deducted from both sides of the account. The surplus for the year, including the amount applied to the sinking fund, was $105,344,496.03. The receipts for 1890 were $16,030,923.79 and the expenditures $15,739,871 in excess of those of 1889. The customs receipts increased $5,835,842.88 and the receipts from internal revenue $11,725,191.89, while on the side of expenditures that for pensions was $19,312,075.96 in excess of the preceding year.

The Treasury statement for the current fiscal year, partly actual and partly estimated, is as follows: Receipts from all sources, $406,000,000; total expenditures, $354,000,000, leaving a surplus of $52,000,000, not taking the postal receipts into the account on either side. The loss of revenue from customs for the last quarter is estimated at $25,000,000, but from this is deducted a gain of about $16,000,000 realized during the first four months of the year.

For the year 1892 the total estimated receipts are $373,000,000 and the estimated expenditures $357,852,209.42, leaving an estimated surplus of $15,147,790.58, which, with a cash balance of $52,000,000 at the beginning of the year, will give $67,147,790.58 as the sum available for the redemption of outstanding bonds or other uses. The estimates of receipts and expenditures for the Post-Office Department, being equal, are not included in this statement on either side.

The act "directing the purchase of silver bullion and the issue of Treasury notes thereon," approved July 14, 1890, has been administered by the Secretary of the Treasury with an earnest purpose to get into circulation at the earliest possible dates the full monthly amounts of Treasury notes contemplated by its provisions and at the same time to give to the market for the silver bullion such support as the law contemplates. The recent depreciation in the price of silver has been observed with regret. The rapid rise in price which anticipated and followed the passage of the act was influenced in some degree by speculation, and the recent reaction is in part the result of the same cause and in part of the recent monetary disturbances. Some months of further trial will be necessary to determine the permanent effect of the recent legislation upon silver values, but it is gratifying to know that the increased circulation secured by the act has exerted, and will continue to exert, a most beneficial influence upon business and upon general values.

While it has not been thought best to renew formally the suggestion of an international conference looking to an agreement touching the full use of silver for coinage at a uniform ratio, care has been taken to observe closely any change in the situation abroad, and no favorable opportunity

will be lost to promote a result which it is confidently believed would confer very large benefits upon the commerce of the world.

The recent monetary disturbances in England are not unlikely to suggest a reexamination of opinions upon this subject. Our very large supply of gold will, if not lost by impulsive legislation in the supposed interest of silver, give us a position of advantage in promoting a permanent and safe international agreement for the free use of silver as a coin metal.

The efforts of the Secretary to increase the volume of money in circulation by keeping down the Treasury surplus to the lowest practicable limit have been unremitting and in a very high degree successful. The tables presented by him showing the increase of money in circulation during the last two decades, and especially the table showing the increase during the nineteen months he has administered the affairs of the Department, are interesting and instructive. The increase of money in circulation during the nineteen months has been in the aggregate $93,866,813, or about $1.50 per capita, and of this increase only $7,100,000 was due to the recent silver legislation. That this substantial and needed aid given to commerce resulted in an enormous reduction of the public debt and of the annual interest charge is matter of increased satisfaction. There have been purchased and redeemed since March 4, 1889, 4 and 4½ per cent bonds to the amount of $211,832,450, at a cost of $246,620,741, resulting in the reduction of the annual interest charge of $8,967,609 and a total saving of interest of $51,576,706.

I notice with great pleasure the statement of the Secretary that the receipts from internal revenue have increased during the last fiscal year nearly $12,000,000, and that the cost of collecting this larger revenue was less by $90,617 than for the same purpose in the preceding year. The percentage of cost of collecting the customs revenue was less for the last fiscal year than ever before.

The Customs Administration Board, provided for by the act of June 10, 1890, was selected with great care, and is composed in part of men whose previous experience in the administration of the old customs regulations had made them familiar with the evils to be remedied, and in part of men whose legal and judicial acquirements and experience seemed to fit them for the work of interpreting and applying the new statute. The chief aim of the law is to secure honest valuations of all dutiable merchandise and to make these valuations uniform at all our ports of entry. It had been made manifest by a Congressional investigation that a system of undervaluation had been long in use by certain classes of importers, resulting not only in a great loss of revenue, but in a most intolerable discrimination against honesty. It is not seen how this legislation, when it is understood, can be regarded by the citizens of any country having commercial dealings with us as unfriendly. If any duty is supposed to be excessive, let the complaint be lodged there. It will

HOUSE OF REPRESENTATIVES OFFICE BUILDING.—On March 3d, 1903, Congress passed an Act authorizing the erection of this building. The same was completed in 1908. It is situated to the northeast of the Capitol, while the Senate building is to the northwest. This building is connected with the Capitol by an underground automobile, same as the Senate building, for the convenience of its members.

House of Representatives Office Building

surely not be claimed by any well-disposed people that a remedy may be sought and allowed in a system of quasi smuggling.

The report of the Secretary of War exhibits several gratifying results attained during the year by wise and unostentatious methods. The percentage of desertions from the Army (an evil for which both Congress and the Department have long been seeking a remedy) has been reduced during the past year 24 per cent, and for the months of August and September, during which time the favorable effects of the act of June 16 were felt, 33 per cent, as compared with the same months of 1889.

The results attained by a reorganization and consolidation of the divisions having charge of the hospital and service records of the volunteer soldiers are very remarkable. This change was effected in July, 1889, and at that time there were 40,654 cases awaiting attention, more than half of these being calls from the Pension Office for information necessary to the adjudication of pension claims. On the 30th day of June last, though over 300,000 new calls had come in, there was not a single case that had not been examined and answered.

I concur in the recommendations of the Secretary that adequate and regular appropriations be continued for coast-defense works and ordnance. Plans have been practically agreed upon, and there can be no good reason for delaying the execution of them, while the defenseless state of our great seaports furnishes an urgent reason for wise expedition.

The encouragement that has been extended to the militia of the States, generally and most appropriately designated the "National Guard," should be continued and enlarged. These military organizations constitute in a large sense the Army of the United States, while about five-sixths of the annual cost of their maintenance is defrayed by the States.

The report of the Attorney-General is under the law submitted directly to Congress, but as the Department of Justice is one of the Executive Departments some reference to the work done is appropriate here.

A vigorous and in the main an effective effort has been made to bring to trial and punishment all violators of the law, but at the same time care has been taken that frivolous and technical offenses should not be used to swell the fees of officers or to harass well-disposed citizens. Especial attention is called to the facts connected with the prosecution of violations of the election laws and of offenses against United States officers. The number of convictions secured, very many of them upon pleas of guilty, will, it is hoped, have a salutary restraining influence. There have been several cases where postmasters appointed by me have been subjected to violent interference in the discharge of their official duties and to persecutions and personal violence of the most extreme character. Some of these cases have been dealt with through the Department of Justice, and in some cases the post-offices have been abolished or suspended. I have directed the Postmaster-General to pursue this course in all cases where other efforts failed to secure for any postmaster not

himself in fault an opportunity peacefully to exercise the duties of his office. But such action will not supplant the efforts of the Department of Justice to bring the particular offenders to punishment.

The vacation by judicial decrees of fraudulent certificates of naturalization, upon bills in equity filed by the Attorney-General in the circuit court of the United States, is a new application of a familiar equity jurisdiction. Nearly one hundred such decrees have been taken during the year, the evidence disclosing that a very large number of fraudulent certificates of naturalization have been issued. And in this connection I beg to renew my recommendation that the laws be so amended as to require a more full and searching inquiry into all the facts necessary to naturalization before any certificates are granted. It certainly is not too much to require that an application for American citizenship shall be heard with as much care and recorded with as much formality as are given to cases involving the pettiest property right.

At the last session I returned without my approval a bill entitled "An act to prohibit bookmaking and pool selling in the District of Columbia," and stated my objection to be that it did not prohibit but in fact licensed what it purported to prohibit.* An effort will be made under existing laws to suppress this evil, though it is not certain that they will be found adequate.

The report of the Postmaster-General shows the most gratifying progress in the important work committed to his direction. The business methods have been greatly improved. A large economy in expenditures and an increase of four and three-quarters millions in receipts have been realized. The deficiency this year is $5,786,300, as against $6,350,183 last year, notwithstanding the great enlargement of the service. Mail routes have been extended and quickened and greater accuracy and dispatch in distribution and delivery have been attained. The report will be found to be full of interest and suggestion, not only to Congress, but to those thoughtful citizens who may be interested to know what business methods can do for that department of public administration which most nearly touches all our people.

The passage of the act to amend certain sections of the Revised Statutes relating to lotteries, approved September 19, 1890, has been received with great and deserved popular favor. The Post-Office Department and the Department of Justice at once entered upon the enforcement of the law with sympathetic vigor, and already the public mails have been largely freed from the fraudulent and demoralizing appeals and literature emanating from the lottery companies.

The construction and equipment of the new ships for the Navy have made very satisfactory progress. Since March 4, 1889, nine new vessels have been put in commission, and during this winter four more, including one monitor, will be added. The construction of the other vessels

* See pp. 5228–5229.

authorized is being pushed both in the Government and private yards with energy and watched with the most scrupulous care.

The experiments conducted during the year to test the relative resisting power of armor plates have been so valuable as to attract great attention in Europe. The only part of the work upon the new ships that is threatened by unusual delay is the armor plating, and every effort is being made to reduce that to the minimum. It is a source of congratulation that the anticipated influence of these modern vessels upon the *esprit de corps* of the officers and seamen has been fully realized. Confidence and pride in the ship among the crew are equivalent to a secondary battery. Your favorable consideration is invited to the recommendations of the Secretary.

The report of the Secretary of the Interior exhibits with great fullness and clearness the vast work of that Department and the satisfactory results attained. The suggestions made by him are earnestly commended to the consideration of Congress, though they can not all be given particular mention here.

The several acts of Congress looking to the reduction of the larger Indian reservations, to the more rapid settlement of the Indians upon individual allotments, and the restoration to the public domain of lands in excess of their needs have been largely carried into effect so far as the work was confided to the Executive. Agreements have been concluded since March 4, 1889, involving the cession to the United States of about 14,726,000 acres of land. These contracts have, as required by law, been submitted to Congress for ratification and for the appropriations necessary to carry them into effect. Those with the Sisseton and Wahpeton, Sac and Fox, Iowa, Pottawatomies and Absentee Shawnees, and Cœur d'Alene tribes have not yet received the sanction of Congress. Attention is also called to the fact that the appropriations made in the case of the Sioux Indians have not covered all the stipulated payments. This should be promptly corrected. If an agreement is confirmed, all of its terms should be complied with without delay and full appropriations should be made.

The policy outlined in my last annual message in relation to the patenting of lands to settlers upon the public domain* has been carried out in the administration of the Land Office. No general suspicion or imputation of fraud has been allowed to delay the hearing and adjudication of individual cases upon their merits. The purpose has been to perfect the title of honest settlers with such promptness that the value of the entry might not be swallowed up by the expense and extortions to which delay subjected the claimant. The average monthly issue of agricultural patents has been increased about 6,000.

The disability-pension act, which was approved on the 27th of June last, has been put into operation as rapidly as was practicable. The increased clerical force provided was selected and assigned to work, and

*See p. 5484.

a considerable part of the force engaged in examinations in the field was recalled and added to the working force of the office. The examination and adjudication of claims have by reason of improved methods been more rapid than ever before. There is no economy to the Government in delay, while there is much hardship and injustice to the soldier. The anticipated expenditure, while very large, will not, it is believed, be in excess of the estimates made before the enactment of the law. This liberal enlargement of the general law should suggest a more careful scrutiny of bills for special relief, both as to the cases where relief is granted and as to the amount allowed.

The increasing numbers and influence of the non-Mormon population of Utah are observed with satisfaction. The recent letter of Wilford Woodruff, president of the Mormon Church, in which he advised his people "to refrain from contracting any marriage forbidden by the laws of the land," has attracted wide attention, and it is hoped that its influence will be highly beneficial in restraining infractions of the laws of the United States. But the fact should not be overlooked that the doctrine or belief of the church that polygamous marriages are rightful and supported by divine revelation remains unchanged. President Woodruff does not renounce the doctrine, but refrains from teaching it, and advises against the practice of it because the law is against it. Now, it is quite true that the law should not attempt to deal with the faith or belief of anyone; but it is quite another thing, and the only safe thing, so to deal with the Territory of Utah as that those who believe polygamy to be rightful shall not have the power to make it lawful.

The admission of the States of Wyoming and Idaho to the Union are events full of interest and congratulation, not only to the people of those States now happily endowed with a full participation in our privileges and responsibilities, but to all our people. Another belt of States stretches from the Atlantic to the Pacific.

The work of the Patent Office has won from all sources very high commendation. The amount accomplished has been very largely increased, and all the results have been such as to secure confidence and consideration for the suggestions of the Commissioner.

The enumeration of the people of the United States under the provisions of the act of March 1, 1889, has been completed, and the result will be at once officially communicated to Congress. The completion of this decennial enumeration devolves upon Congress the duty of making a new apportionment of Representatives "among the several States according to their respective numbers."

At the last session I had occasion to return with my objections several bills making provisions for the erection of public buildings for the reason that the expenditures contemplated were, in my opinion, greatly in excess of any public need. No class of legislation is more liable to abuse or to degenerate into an unseemly scramble about the public Treasury

than this. There should be exercised in this matter a wise economy, based upon some responsible and impartial examination and report as to each case, under a general law.

The report of the Secretary of Agriculture deserves especial attention in view of the fact that the year has been marked in a very unusual degree by agitation and organization among the farmers looking to an increase in the profits of their business. It will be found that the efforts of the Department have been intelligently and zealously devoted to the promotion of the interests intrusted to its care.

A very substantial improvement in the market prices of the leading farm products during the year is noticed. The price of wheat advanced from 81 cents in October, 1889, to $1.00¾ in October, 1890; corn from 31 cents to 50¼ cents; oats from 19¼ cents to 43 cents, and barley from 63 cents to 78 cents. Meats showed a substantial but not so large an increase. The export trade in live animals and fowls shows a very large increase. The total value of such exports for the year ending June 30, 1890, was $33,000,000, and the increase over the preceding year was over $15,000,000. Nearly 200,000 more cattle and over 45,000 more hogs were exported than in the preceding year. The export trade in beef and pork products and in dairy products was very largely increased, the increase in the article of butter alone being from 15,504,978 pounds to 29,748,042 pounds, and the total increase in the value of meat and dairy products exported being $34,000,000. This trade, so directly helpful to the farmer, it is believed, will be yet further and very largely increased when the system of inspection and sanitary supervision now provided by law is brought fully into operation.

The efforts of the Secretary to establish the healthfulness of our meats against the disparaging imputations that have been put upon them abroad have resulted in substantial progress. Veterinary surgeons sent out by the Department are now allowed to participate in the inspection of the live cattle from this country landed at the English docks, and during the several months they have been on duty no case of contagious pleuro-pneumonia has been reported. This inspection abroad and the domestic inspection of live animals and pork products provided for by the act of August 30, 1890, will afford as perfect a guaranty for the wholesomeness of our meats offered for foreign consumption as is anywhere given to any food product, and its nonacceptance will quite clearly reveal the real motive of any continued restriction of their use, and that having been made clear the duty of the Executive will be very plain.

The information given by the Secretary of the progress and prospects of the beet-sugar industry is full of interest. It has already passed the experimental stage and is a commercial success. The area over which the sugar beet can be successfully cultivated is very large, and another field crop of great value is offered to the choice of the farmer.

The Secretary of the Treasury concurs in the recommendation of the

Secretary of Agriculture that the official supervision provided by the tariff law for sugar of domestic production shall be transferred to the Department of Agriculture.

The law relating to the civil service has, so far as I can learn, been executed by those having the power of appointment in the classified service with fidelity and impartiality, and the service has been increasingly satisfactory. The report of the Commission shows a large amount of good work done during the year with very limited appropriations.

I congratulate the Congress and the country upon the passage at the first session of the Fifty-first Congress of an unusual number of laws of very high importance. That the results of this legislation will be the quickening and enlargement of our manufacturing industries, larger and better markets for our breadstuffs and provisions both at home and abroad, more constant employment and better wages for our working people, and an increased supply of a safe currency for the transaction of business, I do not doubt. Some of these measures were enacted at so late a period that the beneficial effects upon commerce which were in the contemplation of Congress have as yet but partially manifested themselves.

The general trade and industrial conditions throughout the country during the year have shown a marked improvement. For many years prior to 1888 the merchandise balances of foreign trade had been largely in our favor, but during that year and the year following they turned against us. It is very gratifying to know that the last fiscal year again shows a balance in our favor of over $68,000,000. The bank clearings, which furnish a good test of the volume of business transacted, for the first ten months of the year 1890 show as compared with the same months of 1889 an increase for the whole country of about 8.4 per cent, while the increase outside of the city of New York was over 13 per cent. During the month of October the clearings of the whole country showed an increase of 3.1 per cent over October, 1889, while outside of New York the increase was 11.5 per cent. These figures show that the increase in the volume of business was very general throughout the country. That this larger business was being conducted upon a safe and profitable basis is shown by the fact that there were 300 less failures reported in October, 1890, than in the same month of the preceding year, with liabilities diminished by about $5,000,000.

The value of our exports of domestic merchandise during the last year was over $115,000,000 greater than the preceding year, and was only exceeded once in our history. About $100,000,000 of this excess was in agricultural products. The production of pig iron, always a good gauge of general prosperity, is shown by a recent census bulletin to have been 153 per cent greater in 1890 than in 1880, and the production of steel 290 per cent greater. Mining in coal has had no limitation except that resulting from deficient transportation. The general testimony is that labor is everywhere fully employed, and the reports for the last year show a

smaller number of employees affected by strikes and lockouts than in any year since 1884. The depression in the prices of agricultural products had been greatly relieved and a buoyant and hopeful tone was beginning to be felt by all our people.

These promising influences have been in some degree checked by the surprising and very unfavorable monetary events which have recently taken place in England. It is gratifying to know that these did not grow in any degree out of the financial relations of London with our people or out of any discredit attached to our securities held in that market. The return of our bonds and stocks was caused by a money stringency in England, not by any loss of value or credit in the securities themselves. We could not, however, wholly escape the ill effects of a foreign monetary agitation accompanied by such extraordinary incidents as characterized this. It is not believed, however, that these evil incidents, which have for the time unfavorably affected values in this country, can long withstand the strong, safe, and wholesome influences which are operating to give to our people profitable returns in all branches of legitimate trade and industry. The apprehension that our tariff may again and at once be subjected to important general changes would undoubtedly add a depressing influence of the most serious character.

The general tariff act has only partially gone into operation, some of its important provisions being limited to take effect at dates yet in the future. The general provisions of the law have been in force less than sixty days. Its permanent effects upon trade and prices still largely stand in conjecture. It is curious to note that the advance in the prices of articles wholly unaffected by the tariff act was by many hastily ascribed to that act. Notice was not taken of the fact that the general tendency of the markets was upward, from influences wholly apart from the recent tariff legislation. The enlargement of our currency by the silver bill undoubtedly gave an upward tendency to trade and had a marked effect on prices; but this natural and desired effect of the silver legislation was by many erroneously attributed to the tariff act.

There is neither wisdom nor justice in the suggestion that the subject of tariff revision shall be again opened before this law has had a fair trial. It is quite true that every tariff schedule is subject to objections. No bill was ever framed, I suppose, that in all of its rates and classifications had the full approval even of a party caucus. Such legislation is always and necessarily the product of compromise as to details, and the present law is no exception. But in its general scope and effect I think it will justify the support of those who believe that American legislation should conserve and defend American trade and the wages of American workmen.

The misinformation as to the terms of the act which has been so widely disseminated at home and abroad will be corrected by experience, and the evil auguries as to its results confounded by the market reports, the savings banks, international trade balances, and the general prosperity of

our people. Already we begin to hear from abroad and from our custom-houses that the prohibitory effect upon importations imputed to the act is not justified. The imports at the port of New York for the first three weeks of November were nearly 8 per cent greater than for the same period in 1889 and 29 per cent greater than in the same period of 1888. And so far from being an act to limit exports, I confidently believe that under it we shall secure a larger and more profitable participation in foreign trade than we have ever enjoyed, and that we shall recover a proportionate participation in the ocean carrying trade of the world.

The criticisms of the bill that have come to us from foreign sources may well be rejected for repugnancy. If these critics really believe that the adoption by us of a free-trade policy, or of tariff rates having reference solely to revenue, would diminish the participation of their own countries in the commerce of the world, their advocacy and promotion, by speech and other forms of organized effort, of this movement among our people is a rare exhibition of unselfishness in trade. And, on the other hand, if they sincerely believe that the adoption of a protective-tariff policy by this country inures to their profit and our hurt, it is noticeably strange that they should lead the outcry against the authors of a policy so helpful to their countrymen and crown with their favor those who would snatch from them a substantial share of a trade with other lands already inadequate to their necessities.

There is no disposition among any of our people to promote prohibitory or retaliatory legislation. Our policies are adopted not to the hurt of others, but to secure for ourselves those advantages that fairly grow out of our favored position as a nation. Our form of government, with its incident of universal suffrage, makes it imperative that we shall save our working people from the agitations and distresses which scant work and wages that have no margin for comfort always beget. But after all this is done it will be found that our markets are open to friendly commercial exchanges of enormous value to the other great powers.

From the time of my induction into office the duty of using every power and influence given by law to the executive department for the development of larger markets for our products, especially our farm products, has been kept constantly in mind, and no effort has been or will be spared to promote that end. We are under no disadvantage in any foreign market, except that we pay our workmen and workwomen better wages than are paid elsewhere--better abstractly, better relatively to the cost of the necessaries of life. I do not doubt that a very largely increased foreign trade is accessible to us without bartering for it either our home market for such products of the farm and shop as our own people can supply or the wages of our working people.

In many of the products of wood and iron and in meats and breadstuffs we have advantages that only need better facilities of intercourse and transportation to secure for them large foreign markets. The reci-

procity clause of the tariff act wisely and effectively opens the way to secure a large reciprocal trade in exchange for the free admission to our ports of certain products. The right of independent nations to make special reciprocal trade concessions is well established, and does not impair either the comity due to other powers or what is known as the "favored-nation clause," so generally found in commercial treaties. What is given to one for an adequate agreed consideration can not be claimed by another freely. The state of the revenues was such that we could dispense with any import duties upon coffee, tea, hides, and the lower grades of sugar and molasses. That the large advantage resulting to the countries producing and exporting these articles by placing them on the free list entitled us to expect a fair return in the way of customs concessions upon articles exported by us to them was so obvious that to have gratuitously abandoned this opportunity to enlarge our trade would have been an unpardonable error.

There were but two methods of maintaining control of this question open to Congress—to place all of these articles upon the dutiable list, subject to such treaty agreements as could be secured, or to place them all presently upon the free list, but subject to the reimposition of specified duties if the countries from which we received them should refuse to give to us suitable reciprocal benefits. This latter method, I think, possesses great advantages. It expresses in advance the consent of Congress to reciprocity arrangements affecting these products, which must otherwise have been delayed and unascertained until each treaty was ratified by the Senate and the necessary legislation enacted by Congress. Experience has shown that some treaties looking to reciprocal trade have failed to secure a two-thirds vote in the Senate for ratification, and others having passed that stage have for years awaited the concurrence of the House and Senate in such modifications of our revenue laws as were necessary to give effect to their provisions. We now have the concurrence of both Houses in advance in a distinct and definite offer of free entry to our ports of specific articles. The Executive is not required to deal in conjecture as to what Congress will accept. Indeed, this reciprocity provision is more than an offer. Our part of the bargain is complete; delivery has been made; and when the countries from which we receive sugar, coffee, tea, and hides have placed on their free lists such of our products as shall be agreed upon as an equivalent for our concession, a proclamation of that fact completes the transaction; and in the meantime our own people have free sugar, tea, coffee, and hides.

The indications thus far given are very hopeful of early and favorable action by the countries from which we receive our large imports of coffee and sugar, and it is confidently believed that if steam communication with these countries can be promptly improved and enlarged the next year will show a most gratifying increase in our exports of breadstuffs and provisions, as well as of some important lines of manufactured goods.

In addition to the important bills that became laws before the adjournment of the last session, some other bills of the highest importance were well advanced toward a final vote and now stand upon the calendars of the two Houses in favored positions. The present session has a fixed limit, and if these measures are not now brought to a final vote all the work that has been done upon them by this Congress is lost. The proper consideration of these, of an apportionment bill, and of the annual appropriation bills will require not only that no working day of the session shall be lost, but that measures of minor and local interest shall not be allowed to interrupt or retard the progress of those that are of universal interest. In view of these conditions, I refrain from bringing before you at this time some suggestions that would otherwise be made, and most earnestly invoke your attention to the duty of perfecting the important legislation now well advanced. To some of these measures, which seem to me most important, I now briefly call your attention.

I desire to repeat with added urgency the recommendations contained in my last annual message in relation to the development of American steamship lines.* The reciprocity clause of the tariff bill will be largely limited and its benefits retarded and diminished if provision is not contemporaneously made to encourage the establishment of first-class steam communication between our ports and the ports of such nations as may meet our overtures for enlarged commercial exchanges. The steamship, carrying the mails statedly and frequently and offering to passengers a comfortable, safe, and speedy transit, is the first condition of foreign trade. It carries the order or the buyer, but not all that is ordered or bought. It gives to the sailing vessels such cargoes as are not urgent or perishable, and, indirectly at least, promotes that important adjunct of commerce. There is now both in this country and in the nations of Central and South America a state of expectation and confidence as to increased trade that will give a double value to your prompt action upon this question.

The present situation of our mail communication with Australia illustrates the importance of early action by Congress. The Oceanic Steamship Company maintains a line of steamers between San Francisco, Sydney, and Auckland consisting of three vessels, two of which are of United States registry and one of foreign registry. For the service done by this line in carrying the mails we pay annually the sum of $46,000, being, as estimated, the full sea and United States inland postage, which is the limit fixed by law. The colonies of New South Wales and New Zealand have been paying annually to these lines £37,000 for carrying the mails from Sydney and Auckland to San Francisco. The contract under which this payment has been made is now about to expire, and those colonies have refused to renew the contract unless the United States shall pay a more equitable proportion of the whole sum necessary to maintain the service.

* See pp. 5471–5473.

I am advised by the Postmaster-General that the United States receives for carrying the Australian mails, brought to San Francisco in these steamers, by rail to Vancouver, an estimated annual income of $75,000, while, as I have stated, we are paying out for the support of the steamship line that brings this mail to us only $46,000, leaving an annual surplus resulting from this service of $29,000. The trade of the United States with Australia, which is in a considerable part carried by these steamers, and the whole of which is practically dependent upon the mail communication which they maintain, is largely in our favor. Our total exports of merchandise to Australasian ports during the fiscal year ending June 30, 1890, were $11,266,484, while the total imports of merchandise from these ports were only $4,277,676. If we are not willing to see this important steamship line withdrawn, or continued with Vancouver substituted for San Francisco as the American terminal, Congress should put it in the power of the Postmaster-General to make a liberal increase in the amount now paid for the transportation of this important mail.

The South Atlantic and Gulf ports occupy a very favored position toward the new and important commerce which the reciprocity clause of the tariff act and the postal shipping bill are designed to promote. Steamship lines from these ports to some northern port of South America will almost certainly effect a connection between the railroad systems of the continents long before any continuous line of railroads can be put into operation. The very large appropriation made at the last session for the harbor of Galveston was justified, as it seemed to me, by these considerations. The great Northwest will feel the advantage of trunk lines to the South as well as to the East and of the new markets opened for their surplus food products and for many of their manufactured products.

I had occasion in May last to transmit to Congress a report adopted by the International American Conference upon the subject of the incorporation of an international American bank, with a view to facilitating money exchanges between the States represented in that conference.* Such an institution would greatly promote the trade we are seeking to develop. I renew the recommendation that a careful and well-guarded charter be granted. I do not think the powers granted should include those ordinarily exercised by trust, guaranty, and safe-deposit companies, or that more branches in the United States should be authorized than are strictly necessary to accomplish the object primarily in view, namely, convenient foreign exchanges. It is quite important that prompt action should be taken in this matter, in order that any appropriations for better communication with these countries and any agreements that may be made for reciprocal trade may not be hindered by the inconvenience of making exchanges through European money centers or burdened by the tribute which is an incident of that method of business.

The bill for the relief of the Supreme Court has after many years of

* See pp. 5505-5506.

discussion reached a position where final action is easily attainable, and it is hoped that any differences of opinion may be so harmonized as to save the essential features of this very important measure. In this connection I earnestly renew my recommendation that the salaries of the judges of the United States district courts be so readjusted that none of them shall receive less than $5,000 per annum.

The subject of the unadjusted Spanish and Mexican land grants and the urgent necessity for providing some commission or tribunal for the trial of questions of title growing out of them were twice brought by me to the attention of Congress at the last session. Bills have been reported from the proper committees in both Houses upon the subject, and I very earnestly hope that this Congress will put an end to the delay which has attended the settlement of the disputes as to the title between the settlers and the claimants under these grants. These disputes retard the prosperity and disturb the peace of large and important communities. The governor of New Mexico in his last report to the Secretary of the Interior suggests some modifications of the provisions of the pending bills relating to the small holdings of farm lands. I commend to your attention the suggestions of the Secretary of the Interior upon this subject.

The enactment of a national bankrupt law I still regard as very desirable. The Constitution having given to Congress jurisdiction of this subject, it should be exercised and uniform rules provided for the administration of the affairs of insolvent debtors. The inconveniences resulting from the occasional and temporary exercise of this power by Congress and from the conflicting State codes of insolvency which come into force intermediately should be removed by the enactment of a simple, inexpensive, and permanent national bankrupt law.

I also renew my recommendation in favor of legislation affording just copyright protection to foreign authors on a footing of reciprocal advantage for our authors abroad.

It may still be possible for this Congress to inaugurate by suitable legislation a movement looking to uniformity and increased safety in the use of couplers and brakes upon freight trains engaged in interstate commerce. The chief difficulty in the way is to secure agreement as to the best appliances, simplicity, effectiveness, and cost being considered. This difficulty will only yield to legislation, which should be based upon full inquiry and impartial tests. The purpose should be to secure the cooperation of all well-disposed managers and owners; but the fearful fact that every year's delay involves the sacrifice of 2,000 lives and the maiming of 20,000 young men should plead both with Congress and the managers against any needless delay.

The subject of the conservation and equal distribution of the water supply of the arid regions has had much attention from Congress, but has not as yet been put upon a permanent and satisfactory basis. The

urgency of the subject does not grow out of any large present demand for the use of these lands for agriculture, but out of the danger that the water supply and the sites for the necessary catch basins may fall into the hands of individuals or private corporations and be used to render subservient the large areas dependent upon such supply. The owner of the water is the owner of the lands, however the titles may run. All unappropriated natural water sources and all necessary reservoir sites should be held by the Government for the equal use at fair rates of the homestead settlers who will eventually take up these lands. The United States should not, in my opinion, undertake the construction of dams or canals, but should limit its work to such surveys and observations as will determine the water supply, both surface and subterranean, the areas capable of irrigation, and the location and storage capacity of reservoirs. This done, the use of the water and of the reservoir sites might be granted to the respective States or Territories or to individuals or associations upon the condition that the necessary works should be constructed and the water furnished at fair rates without discrimination, the rates to be subject to supervision by the legislatures or by boards of water commissioners duly constituted. The essential thing to be secured is the common and equal use at fair rates of the accumulated water supply. It were almost better that these lands should remain arid than that those who occupy them should become the slaves of unrestrained monopolies controlling the one essential element of land values and crop results.

The use of the telegraph by the Post-Office Department as a means for the rapid transmission of written communications is, I believe, upon proper terms, quite desirable. The Government does not own or operate the railroads, and it should not, I think, own or operate the telegraph lines. It does, however, seem to be quite practicable for the Government to contract with the telegraph companies, as it does with railroad companies, to carry at specified rates such communications as the senders may designate for this method of transmission. I recommend that such legislation be enacted as will enable the Post-Office Department fairly to test by experiment the advantages of such a use of the telegraph.

If any intelligent and loyal company of American citizens were required to catalogue the essential human conditions of national life, I do not doubt that with absolute unanimity they would begin with "free and honest elections." And it is gratifying to know that generally there is a growing and nonpartisan demand for better election laws; but against this sign of hope and progress must be set the depressing and undeniable fact that election laws and methods are sometimes cunningly contrived to secure minority control, while violence completes the shortcomings of fraud.

In my last annual message I suggested that the development of the existing law providing a Federal supervision of Congressional elections

offered an effective method of reforming these abuses.* The need of such a law has manifested itself in many parts of the country, and its wholesome restraints and penalties will be useful in all. The constitutionality of such legislation has been affirmed by the Supreme Court. Its probable effectiveness is evidenced by the character of the opposition that is made to it. It has been denounced as if it were a new exercise of Federal power and an invasion of the rights of States. Nothing could be further from the truth. Congress has already fixed the time for the election of members of Congress. It has declared that votes for members of Congress must be by written or printed ballot; it has provided for the appointment by the circuit courts in certain cases, and upon the petition of a certain number of citizens, of election supervisors, and made it their duty to supervise the registration of voters conducted by the State officers; to challenge persons offering to register; to personally inspect and scrutinize the registry lists, and to affix their names to the lists for the purpose of identification and the prevention of frauds; to attend at elections and remain with the boxes till they are all cast and counted; to attach to the registry lists and election returns any statement touching the accuracy and fairness of the registry and election, and to take and transmit to the Clerk of the House of Representatives any evidence of fraudulent practices which may be presented to them. The same law provides for the appointment of deputy United States marshals to attend at the polls, support the supervisors in the discharge of their duties, and to arrest persons violating the election laws. The provisions of this familiar title of the Revised Statutes have been put into exercise by both the great political parties, and in the North as well as in the South, by the filing with the court of the petitions required by the law.

It is not, therefore, a question whether we shall have a Federal election law, for we now have one and have had for nearly twenty years, but whether we shall have an effective law. The present law stops just short of effectiveness, for it surrenders to the local authorities all control over the certification which establishes the *prima facie* right to a seat in the House of Representatives. This defect should be cured. Equality of representation and the parity of the electors must be maintained or everything that is valuable in our system of government is lost. The qualifications of an elector must be sought in the law, not in the opinions, prejudices, or fears of any class, however powerful. The path of the elector to the ballot box must be free from the ambush of fear and the enticements of fraud; the count so true and open that none shall gainsay it. Such a law should be absolutely nonpartisan and impartial. It should give the advantage to honesty and the control to majorities. Surely there is nothing sectional about this creed, and if it shall happen that the penalties of laws intended to enforce these rights fall here and not there it is not because the law is sectional, but because, happily,

*See p. 5491.

crime is local and not universal. Nor should it be forgotten that every law, whether relating to elections or to any other subject, whether enacted by the State or by the nation, has force behind it; the courts, the marshal or constable, the *posse comitatus*, the prison, are all and always behind the law.

One can not be justly charged with unfriendliness to any section or class who seeks only to restrain violations of law and of personal right. No community will find lawlessness profitable. No community can afford to have it known that the officers who are charged with the preservation of the public peace and the restraint of the criminal classes are themselves the product of fraud or violence. The magistrate is then without respect and the law without sanction. The floods of lawlessness can not be leveed and made to run in one channel. The killing of a United States marshal carrying a writ of arrest for an election offense is full of prompting and suggestion to men who are pursued by a city marshal for a crime against life or property.

But it is said that this legislation will revive race animosities, and some have even suggested that when the peaceful methods of fraud are made impossible they may be supplanted by intimidation and violence. If the proposed law gives to any qualified elector by a hair's weight more than his equal influence or detracts by so much from any other qualified elector, it is fatally impeached. But if the law is equal and the animosities it is to evoke grow out of the fact that some electors have been accustomed to exercise the franchise for others as well as for themselves, then these animosities ought not to be confessed without shame, and can not be given any weight in the discussion without dishonor No choice is left to me but to enforce with vigor all laws intended to secure to the citizen his constitutional rights and to recommend that the inadequacies of such laws be promptly remedied. If to promote with zeal and ready interest every project for the development of its material interests, its rivers, harbors, mines, and factories, and the intelligence, peace, and security under the law of its communities and its homes is not accepted as sufficient evidence of friendliness to any State or section, I can not add connivance at election practices that not only disturb local results, but rob the electors of other States and sections of their most priceless political rights.

The preparation of the general appropriation bills should be conducted with the greatest care and the closest scrutiny of expenditures. Appropriations should be adequate to the needs of the public service, but they should be absolutely free from prodigality.

I venture again to remind you that the brief time remaining for the consideration of the important legislation now awaiting your attention offers no margin for waste. If the present duty is discharged with diligence, fidelity, and courage, the work of the Fifty-first Congress may be confidently submitted to the considerate judgment of the people.

BENJ. HARRISON

SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 4, 1890.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 3d instant from the Secretary of the Interior, accompanied by an agreement concluded by the Cherokee Commission with the Cheyenne and Arapahoe tribes of Indians for the cession of certain lands and for other purposes.

The agreement is submitted for the consideration of Congress, as required by law.

BENJ. HARRISON.

EXECUTIVE MANSION, *December 5, 1890.*

To the House of Representatives:

I transmit herewith, in response to the resolution of the House of Representatives of the 24th of September last, a report of the Secretary of State and accompanying correspondence, in relation to the killing of General J. Martine Barrundia by Guatemalan officers on board the Pacific mail steamer *Acapulco* in the port of San Jose, Guatemala, on the 28th of August last.

BENJ. HARRISON.

EXECUTIVE MANSION, *December 17, 1890.*

To the Senate and House of Representatives:

I herewith transmit a communication from the Secretary of State, in relation to a report upon the subject of cholera made by Dr. E. O. Shakespeare pursuant to the act of Congress approved March 3, 1885.

BENJ. HARRISON

EXECUTIVE MANSION, *December 17, 1890.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Navy, accompanied by a letter from the secretary of the American Society of Mechanical Engineers, who transmits a memorial, addressed to the Government of the United States, in relation to the late Captain John Ericsson.

The matter is presented for such action as the Congress may deem proper.

BENJ. HARRISON.

EXECUTIVE MANSION, *December 17, 1890.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of War, accompanied by a copy of a preliminary report of the board on gun factories and steel

forgings for high-power guns, appointed by me under the provisions of an act entitled "An act making appropriations for fortifications," etc., approved August 18, 1890.

The report and accompanying papers are submitted for the information and early attention of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *December 22, 1890.*

To the Senate and House of Representatives:

I transmit herewith a letter of the 18th instant from the Secretary of the Interior, in relation to the disposition of timber on certain Chippewa reservations in Wisconsin, together with copies of papers relating thereto.

The matter is presented for the action of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *December 23, 1890.*

To the Senate and House of Representatives:

The Territorial legislature of Oklahoma, now in session, will adjourn by limitation of law on to-morrow, the 24th instant. The act organizing the Territory provided (section 11) that certain chapters of the revised statutes of Nebraska should be in force until after the adjournment of the first session of the Territorial legislature.

The question of the location of the Territorial capital has so occupied the time of the legislature and so distracted and divided its members that no criminal code has been provided. It is urgently necessary that Congress should at once, by joint resolution or otherwise, continue the laws of Nebraska in force, and save pending criminal arrests and prosecutions at least. The reconvening of the legislature does not under the existing circumstances promise any relief.

BENJ. HARRISON.

EXECUTIVE MANSION, *December 23, 1890.*

To the Senate and House of Representatives:

I transmit herewith a letter of the Secretary of the Navy, accompanied by the report of the commission appointed by me by virtue of a provision in the naval appropriation bill approved June 30, 1890, for the purpose of selecting a suitable site "for a dry dock at some point on the shores of the Pacific Ocean, or the waters connected therewith, north of the parallel of latitude marking the northern boundary of California, including the waters of Puget Sound and also Lakes Union and Washington, in the State of Washington."

BENJ. HARRISON.

EXECUTIVE MANSION, *January 5, 1891.*

To the House of Representatives:

In further response to the resolution of the House of Representatives requesting me, if in my judgment not incompatible with the public interest, to furnish to the House the correspondence since March 4, 1889, between the Government of the United States and the Government of Great Britain touching the subjects in dispute in the Bering Sea, I transmit herewith a letter from the Secretary of State, which is accompanied by the correspondence which has taken place since my message of July 23, 1890.*

BENJ. HARRISON.

EXECUTIVE MANSION, *January 10, 1891.*

To the Senate and House of Representatives:

I transmit herewith a memorial of the legislative assembly of the Territory of Oklahoma, asking an appropriation for the relief of the destitute people of that Territory.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 16, 1891.*

To the Senate and House of Representatives:

I transmit herewith the report of the World's Columbian Commission, with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 19, 1891.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting the agreement entered into between the Crow Indians and the commission appointed to negotiate with them for the sale to the United States of the western portion of their reservation in Montana under the provisions of the act of September 25, 1890.

It is thought important by the Department that this matter receive the consideration of Congress during the present session.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 26, 1891.*

To the Senate and House of Representatives:

I transmit herewith a letter of the Secretary of War, accompanied by the final report of the board on gun factories and steel forgings for high-power guns, and appendixes thereto.

BENJ. HARRISON.

* See p. 5515.

EXECUTIVE MANSION, *January 26, 1891.*

To the Senate and House of Representatives:

I transmit herewith a letter of the Secretary of the Interior, accompanied by a letter from the Commissioner of Indian Affairs, who transmits a draft of a bill for compensating the Indians of the Crow Creek Reservation for the loss sustained by them by reason of their receiving less land per capita in their diminished reservations than is to be received by Indians occupying other diminished reservations.

The matter is presented for the early consideration of the Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 31, 1891.*

To the Senate and House of Representatives:

The sudden death of the Hon. William Windom, Secretary of the Treasury, in New York, on the evening of the 29th instant, has directed my attention to the present state of the law as to the filling of a vacancy occasioned by the death of the head of a Department.

I transmit herewith an opinion of the Attorney-General, from which it will be seen that under the statutes in force no officer in the Treasury Department or other person designated by me can exercise the duties of Secretary of the Treasury for a longer period than ten days. This limitation is, I am sure, unwise, and necessarily involves in such a case as that now presented undue haste and even indelicacy. The President should not be required to take up the question of the selection of a successor before the last offices of affection and respect have been paid to the dead. If the proprieties of an occasion as sad as that which now overshadows us are observed, possibly one-half of the brief time allowed is gone before, with due regard to the decencies of life, the President and those with whom he should advise can take up the consideration of the grave duty of selecting a head for one of the greatest Departments of the Government.

Hasty action by the Senate is also necessarily involved, and geographical limitations are practically imposed by the necessity of selecting some one who can reach the capital and take the necessary oath of office before the expiration of the ten days.

It may be a very proper restriction of the power of the President in this connection that he shall not designate for any great length of time a person to discharge these important duties who has not been confirmed by the Senate, but there would seem to be no reason why one of the assistant secretaries of the Department wherein the vacancy exists might not discharge the duties of Secretary until a successor is selected, confirmed, and qualified. The inconvenience of this limitation was made apparent at the time of the death of Secretary Folger. President Arthur in that case allowed one of the assistant secretaries, who had been designated to

act in the absence of the Secretary, to continue in the discharge of such duties for ten days, then designated the same person to discharge the duties for a further term of ten days, and then made a temporary appointment as Secretary, in order to secure the consideration that he needed in filling this important place.

I recommend such a modification of the existing law as will permit the first or sole assistant, or, in the case of the Treasury Department, where the assistants are not graded, that one who may be designated by the President, to discharge the duties of the head of the Department until a successor is appointed and qualified.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 10, 1891.*

To the Senate:

I transmit herewith the correspondence called for by the resolution of the Senate of the 6th instant, relating to the conduct of Commander Reiter in connection with the arrest and killing of General Barrundia.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 13, 1891.*

To the Senate and House of Representatives:

The Admiral of the Navy, David Dixon Porter, died at his residence in the city of Washington this morning at 8.15 o'clock, in the seventy-eighth year of his age. He entered the naval service as a midshipman February 2, 1829, and had been since continuously in service, having been made Admiral August 15, 1870. He was the son of Commodore David Porter, one of the greatest of our naval commanders. His service during the Civil War was conspicuously brilliant and successful, and his death ends a very high and honorable career. His countrymen will sincerely mourn his loss while they cherish with grateful pride the memory of his deeds. To officers of the Navy his life will continue to yield inspiration and encouragement.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, D. C., February 14, 1891.

To the Senate and House of Representatives:

I transmit herewith the sixth annual report of the Commissioner of Labor. This report relates to the cost of producing iron and steel and the materials of which iron is made in the United States and in Europe, and the earnings, the efficiency, and the cost of living of the men employed in such production.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 14, 1891.*

To the Senate and House of Representatives:

The death of William Tecumseh Sherman, which took place to-day at his residence in the city of New York, at 1 o'clock and 50 minutes p. m., is an event that will bring sorrow to the heart of every patriotic citizen. No living American was so loved and venerated as he. To look upon his face, to hear his name, was to have one's love of country intensified. He served his country, not for fame, not out of a sense of professional duty, but for love of the flag and of the beneficent civil institutions of which it was the emblem. He was an ideal soldier, and shared to the fullest the *esprit de corps* of the Army; but he cherished the civil institutions organized under the Constitution, and was a soldier only that these might be perpetuated in undiminished usefulness and honor. He was in nothing an imitator.

A profound student of military science and precedent, he drew from them principles and suggestions, and so adapted them to novel conditions that his campaigns will continue to be the profitable study of the military profession throughout the world. His genial nature made him comrade to every soldier of the great Union Army. No presence was so welcome and inspiring at the camp fire or commandery as his. His career was complete; his honors were full. He had received from the Government the highest rank known to our military establishment and from the people unstinted gratitude and love. No word of mine can add to his fame. His death has followed in startling quickness that of the Admiral of the Navy; and it is a sad and notable incident that when the Department under which he served shall have put on the usual emblems of mourning four of the eight Executive Departments will be simultaneously draped in black, and one other has but to-day removed the crape from its walls.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 26, 1891.*

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State and accompanying documents, in relation to the execution of letters rogatory in foreign countries.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 26, 1891.*

To the Senate of the United States:

I transmit herewith, in reply to the resolution of the Senate of the 9th instant, a report from the Secretary of State, accompanied by the papers relating to the commercial arrangement recently entered into with Brazil.

BENJ. HARRISON.

EXECUTIVE MANSION, *March 3, 1891.*

To the Senate:

In accordance with the resolution of the Senate of this date, I return herewith Senate bill 1453, to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan.

BENJ. HARRISON.

VETO MESSAGES.

EXECUTIVE MANSION, *December 24, 1890.*

To the Senate:

I return to the Senate, in which it originated, with my objections, the bill (No. 544) "to provide for the purchase of a site and the erection of a public building thereon at Bar Harbor, in the State of Maine." The statement of a few facts will show, I think, that the public needs do not justify the contemplated expenditure of $75,000 for the erection of a public building at Bar Harbor. Only one public office, the post-office, is to be accommodated. It appears from a report of the Postmaster-General that the rent paid by the United States for a room containing 875 square feet of floor space was in 1888 $300 and the expenditure for fuel and lights $60. One clerk was employed in the office and no carriers. The gross postal receipts for that year were $7,000. Bar Harbor is almost wholly a summer resort. The population of the town of Eden, of which Bar Harbor forms a part, as taken by the census enumerators, was less than 2,000. During one quarter of the year this population is largely increased by summer residents and visitors, but for the other three quarters is not much above the census enumeration. The postal receipts for 1890 by quarters show that for more than half the year the gross receipts of the post-office are about $8 per day. The salary of a janitor for the new building would be more than twice the present cost to the Government of rent, fuel, and lights. I can not believe that upon reconsideration the Congress will approve the contemplated expenditure.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 26, 1891.*

To the House of Representatives:

I return herewith without my approval the bill (H. R. 12365) entitled "An act to authorize Oklahoma City, in Oklahoma Territory, to issue bonds to provide a right of way for the Choctaw Coal and Railway Company through said city." This bill authorizes the corporation of Oklahoma City to issue corporate bonds to the amount of $40,000 for the purpose of providing the right of way for a railroad company through

the city, if the proposition shall receive the assent of a majority of the legal voters at an election to be called for that purpose.

It is attempted to distinguish this case from the ordinary case of a municipal grant to a railway company by the fact that this railway company had located its line through the lands afterwards settled upon under the town-site law before such settlement, and that the route thus located cuts the plat of the city diagonally and in a way to be very injurious to property interests.

Upon an examination of the facts it appears to me to be clear that no legal location was made by the railway company prior to the acquisition of the lands by the occupying settlers. Some preliminary surveys had been made, but no map of location had been filed with the Secretary of the Interior. If the rights of this company at this point of its road as to right of way are derived from the general statute of the United States upon that subject (U. S. Revised Statutes, Supplement, p. 87), then section 4 distinctly saves the right of any settler who had located prior to the filing of a profile of the road and the approval by the Secretary of the Interior thereof. And if, on the other hand, the rights of the company at the point indicated are derived from the act of Congress of February 18, 1888, "to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," section 6 of that act also plainly protects the right of any occupying claimant. The latter statute, it seems to me, was intended to grant a right of way only through Indian lands, and if these lands were not such the general statute to which I have referred would apply; but in either event the conclusion is the same.

It appears from the report of the committee that its favorable action, and, I must assume, the favorable action of Congress, proceeded upon the theory that there was a real controversy, doubtful as to its issue, as to the right of the railroad company to hold the line of its survey through the city.

Stripped, then, of this claim the proposition is nakedly one to authorize Oklahoma City to donate $40,000 to the Choctaw Coal and Railway Company. The general statute of the United States prohibits such grants, and this must stand until repealed as a continuing expression of legislative opinion. If a departure from this rule is to be allowed at all, certainly it should only be where the circumstances are exceptional. Such circumstances, in my opinion, do not exist in this case. Already I have received from other cities in the Territory protests against special legislation of this sort, accompanied by the suggestion that if this policy is admitted other cities shall also be allowed to encourage the building of roads by donation.

Oklahoma City, according to the report of the Census Office, has a population of about 4,100, and this donation would be equivalent to nearly $10 per capita. Very little real estate, whether town-site or country

property, in this Territory is yet subject to assessment for taxation. The people have not yet had time to accumulate, and Congress has received appeals for aid to relieve a prevailing distress which the Territorial authorities have found themselves unable to deal with. It does not seem to me, in view of all these facts, that the wholesome rule prescribed by the general statute should be departed from.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 26, 1891.*

To the Senate:

I return to the Senate without my approval the bill (S. 4620) "to establish the Record and Pension Office of the War Department, and for other purposes."

This bill proposes to change the designation of one of the divisions of the War Department. It is now the "Record and Pension Division," and it is proposed that it shall hereafter be the "Record and Pension Office" of the War Department. The scope of the work assigned to this division or office is not changed, but the organization now existing under a classification made by the Secretary of War is by the bill made permanent and put beyond the control of the Secretary. The change of designation seems to have been intended to add dignity to the position, and the effect of the bill is probably to require that the chief of this office shall hereafter be appointed only by and with the advice and consent of the Senate, though it is not clear that any provision is made for a chief after the particular person designated in the bill has been separated from the place or in case he is not appointed.

The real object of the bill is disclosed in the following clause:

> The President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint the officer now in charge of said Record and Pension Division to be a colonel in the Army and chief of said office.

It is fairly to be implied from the bill that in the opinion of Congress the public interests would be promoted by making the contemplated change in the grade of this office and by giving the rank and pay of a colonel in the Army to the chief. A new and rather anomalous office is therefore created—that of "colonel in the Army and chief of the Record and Pension Office of the War Department"—but upon the condition that the President shall nominate a particular person to fill it. I do not think it is competent for Congress to designate the person who shall fill an office created by law, and practically nothing remains of the bill under consideration if this person is not to be appointed. The office is an important one, connected with the active civil administration of the War Department. I can not agree that the selection of the officer shall be taken out of the discretion of the Executive, where the responsibility for good administration necessarily rests. It is probably true that the officer intended to be benefited is peculiarly deserving and has had remarkable

success in the discharge of the duties of the office; but these are considerations for the appointing power, and might safely have been left there.

If this particular appointment was backed by reasons so obvious as to secure the support of both Houses of Congress, it should have been assumed that these reasons could have been made obvious to the Executive by the ordinary methods. In connection with the Army and Navy retired lists, legislation akin to this has become quite frequent, too frequent in my opinion; but these laws have been regarded as grants of pensions rather than of offices.

If it is to be allowed that active places connected with the Executive Departments can be created upon condition that particular persons are or are not to be designated to fill them, the power of appointment might be wholly diverted from the Executive to the Congress.

BENJ. HARRISON.

To the Senate: EXECUTIVE MANSION, *March 2, 1891.*

I return herewith without my approval the bill (S. 3270) "for the relief of the administratrix of the estate of George W. Lawrence."

If I rightly construe this bill, it authorizes the Court of Claims to give judgment in favor of the contractor with the United States for the construction of the vessels named (*Agawam* and *Pontoosuc*) for the difference between the contract price and the actual cost to the contractor of building the vessels, subject only to the condition that nothing shall be allowed for any advance in the price of labor or material unless such advance occurred during the prolonged term for completing the work rendered necessary by delay resulting from the action of the Government. The bill is somewhat obscure, but I have, I think, correctly stated the legal effect of it.

Undoubtedly in contracts made for army and navy supplies and construction during the early days of the war there was not infrequently loss to the contractor by reason of the advance in the cost of labor resulting from the withdrawal of so large a body of men for service in the field and the indirect result of this upon the cost of material; but I can not believe that it is the purpose of Congress to reopen such contracts at this late day and to pay to the contractors the cost of the work or material which they stipulated to do or deliver at fixed prices. In the matter of another vessel constructed by this same claimant and in the case of one other similar claim I approved bills at the last session, but they carefully limited any finding by the Court of Claims to such losses as necessarily resulted from the interference by the Government with the progress of the work, thus creating delays and enhanced cost.

In those cases the Government only undertook to make good losses resulting directly and unavoidably from its own acts. If the principle which seems to me to be embodied in the bill under consideration is

adopted, I do not see how the Congress can refuse in all cases of all sorts of contracts to make good the losses resulting from appreciation in the cost of labor and material. The expenditure that such a policy would entail is incalculable, and the policy itself is, in my judgment, indefensible.

The bill at the last session for the relief of this claimant in the case of another vessel constructed by him was, as I have said, carefully put upon the lines I have indicated, and if this claim could have been maintained upon those lines I assume that the bill would have been similar in its provisions.

BENJ. HARRISON.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas satisfactory proof has been presented to me that provision has been made for adequate grounds and buildings for the uses of the World's Columbian Exposition, and that a sum not less than $10,000,000, to be used and expended for the purposes of said exposition, has been provided in accordance with the conditions and requirements of section 10 of an act entitled "An act to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, and sea, in the city of Chicago, in the State of Illinois," approved April 25, 1890:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the authority vested in me by said act, do hereby declare and proclaim that such international exhibition will be opened on the 1st day of May, in the year 1893, in the city of Chicago, in the State of Illinois, and will not be closed before the last Thursday in October of the same year. And in the name of the Government and of the people of the United States I do hereby invite all the nations of the earth to take part in the commemoration of an event that is preeminent in human history and of lasting interest to mankind by appointing representatives thereto and sending such exhibits to the World's Columbian Exposition as will most fitly and fully illustrate their resources, their industries, and their progress in civilization.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 24th day of December, 1890, and of the Independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to section 3 of the act of Congress approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," the Secretary of State of the United States of America communicated to the Government of the United States of Brazil the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3, to wit, sugars, molasses, coffee, and hides, to be exempt from duty upon their importation into the United States of America; and

Whereas the envoy extraordinary and minister plenipotentiary of Brazil at Washington has communicated to the Secretary of State the fact that, in due reciprocity for and in consideration of the admission into the United States of America free of all duty of the articles enumerated in section 3 of said act, the Government of Brazil has by legal enactment authorized the admission, from and after April 1, 1891, into all the established ports of entry of Brazil, free of all duty, whether national, state, or municipal, of the articles or merchandise named in the following schedule, provided that the same be the product and manufacture of the United States of America:

I.—SCHEDULE OF ARTICLES TO BE ADMITTED FREE INTO BRAZIL.

Wheat.
Wheat flour.
Corn or maize and the manufactures thereof, including corn meal and starch.
Rye, rye flour, buckwheat, buckwheat flour, and barley.
Potatoes, beans, and pease.
Hay and oats.
Pork, salted, including pickled pork and bacon, except hams.
Fish, salted, dried, or pickled.
Cotton-seed oil.
Coal, anthracite and bituminous.
Rosin, tar, pitch, and turpentine.
Agricultural tools, implements, and machinery.
Mining and mechanical tools, implements, and machinery, including stationary and portable engines and all machinery for manufacturing and industrial purposes, except sewing machines.
Instruments and books for the arts and sciences.
Railway construction material and equipment.

And that the Government of Brazil has by legal enactment further authorized the admission into all the established ports of entry of Brazil, with a reduction of 25 per cent of the duty designated on the respective article in the tariff now in force or which may hereafter be adopted in the United States of Brazil, whether national, state, or municipal, of the articles or merchandise named in the following schedule, provided

that the same be the product or manufacture of the United States of America:

2.—SCHEDULE OF ARTICLES TO BE ADMITTED INTO BRAZIL WITH A REDUCTION OF DUTY OF 25 PER CENT.

Lard and substitutes therefor.
Bacon hams.
Butter and cheese.
Canned and preserved meats, fish, fruits, and vegetables.
Manufactures of cotton, including cotton clothing.
Manufactures of iron and steel, single or mixed, not included in the foregoing free schedule.
Leather and the manufactures thereof, except boots and shoes.
Lumber, timber, and the manufactures of wood, including cooperage, furniture of all kinds, wagons, carts, and carriages.
Manufactures of rubber.

And that the Government of Brazil has further provided that the laws and regulations adopted to protect its revenue and prevent fraud in the declarations and proof that the articles named in the foregoing schedules are the product or manufacture of the United States of America shall place no undue restrictions on the importer nor impose any additional charges or fees therefor on the articles imported;

And whereas the Secretary of State has, by my direction, given assurance to the envoy extraordinary and minister plenipotentiary of Brazil at Washington that this action of the Government of Brazil in granting exemption of duties to the products and manufactures of the United States of America is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above-stated modifications of the tariff law of Brazil to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 5th day of February, 1891, and of the Independence of the United States of America the one hundred and fifteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of an act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of

the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and limits thereof.

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested, do hereby make known and proclaim that there has been and is hereby reserved from entry or settlement and set apart for a public forest reservation all that tract of land situate in the State of Wyoming contained within the following-described boundaries:

Beginning at a point on the parallel of 44° 50′ where said parallel is intersected by the meridian of 110° west longitude; thence due east along said parallel to the meridian of 109° 30′ west longitude; thence due south along said meridian to the forty-fourth parallel of north latitude; thence due west along said parallel to its point of intersection with the west boundary of the State of Wyoming; thence due north along said boundary line to its intersection with the south boundary of the Yellowstone National Park.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of March, A. D. 1891, and of the Independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The following provisions of the laws of the United States are hereby published for the information of all concerned:

Section 1956, Revised Statutes, chapter 3, Title XXIII, enacts that—

No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory or in the waters thereof; and every person guilty thereof shall for each offense be fined not less than $200 nor more than $1,000, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals under such regulations as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur seal and to provide for the execution of the provisions of this section until it is otherwise provided by law, nor shall he grant any special privileges under this section.

* * * * * * *

Section 3 of the act entitled "An act to provide for the protection of the salmon fisheries of Alaska," approved March 2, 1889, provides that—

SEC. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Bering Sea, and it shall be the duty of the President at a timely season in each year to issue his proclamation, and cause the same to be published for one month in at least one newspaper (if any such there be) published at each United States port of entry on the Pacific coast, warning all persons against entering such waters for the purpose of violating the provisions of said section, and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein.

Now, therefore, I, Benjamin Harrison, President of the United States, pursuant to the above-recited statutes, hereby warn all persons against entering the waters of Bering Sea within the dominion of the United States for the purpose of violating the provisions of said section 1956, Revised Statutes; and I hereby proclaim that all persons found to be or to have been engaged in any violation of the laws of the United States in said waters will be arrested and punished as above provided, and that all vessels so employed, their tackle, apparel, furniture, and cargoes, will be seized and forfeited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 4th day of April, 1891, and of the Independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to an act of Congress approved May 15, 1886, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various tribes for the year ending June 30, 1887, and for other purposes," an agreement was entered into on the 14th day of December, 1886, by John V. Wright, Jared W. Daniels, and Charles F. Larrabee, commissioners on the part of the United States, and the Arickaree, Gros Ventre, and Mandan tribes of Indians, residing on the Fort Berthold Reservation, in the then Territory of Dakota, now State of North Dakota, embracing a majority of all the male adult members of said tribes; and

Whereas by an act of Congress approved March 3, 1891, entitled "An act making appropriations for the current and contingent expenses of

the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes," the aforesaid agreement of December 14, 1886, was accepted, ratified, and confirmed, except as to article 6 thereof, which was modified and changed on the part of the United States so as to read as follows:

That the residue of lands within said diminished reservation, after all allotments have been made as provided in article 3 of this agreement, shall be held by the said tribes of Indians as a reservation.

And whereas it is provided in said last above-mentioned act—

That this act shall take effect only upon the acceptance of the modification and changes made by the United States as to article 6 of the said agreement by the said tribes of Indians in manner and form as said agreement was assented to, which said acceptance and consent shall be made known by proclamation by the President of the United States, upon satisfactory proof presented to him that the said acceptance and consent have been obtained in such manner and form.

And whereas satisfactory proof has been presented to me that the acceptance of and consent to the provisions of the act last named by the different bands of Indians residing on said reservation have been obtained in manner and form as said agreement of December 14, 1886, was assented to:

Now, therefore, I, Benjamin Harrisor, President of the United States, by virtue of the power in me vested, do hereby make known and proclaim the acceptance of and consent to the modification and changes made by the United States as to article 6 of said agreement by said tribe of Indians as required by the act, and said act is hereby declared to be in full force and effect, subject to all provisions, conditions, limitations, and restrictions therein contained.

All persons will take notice of the provisions of said act and of the conditions and restrictions therein contained, and be governed accordingly.

I furthermore notify all persons to particularly observe that a certain portion of the said Fort Berthold Reservation not ceded and relinquished by said agreement is reserved for allotment to, and also as a reservation for, the said tribes of Indians; and all persons are therefore hereby warned not to go upon any of the lands so reserved for any purpose or with any intent whatsoever, as no settlement or other rights can be secured upon said lands, and all persons found unlawfully thereon will be dealt with as trespassers and intruders; and I hereby declare all the lands sold, ceded, and relinquished to the United States under said agreement, namely, "all that portion of the Fort Berthold Reservation, as laid down upon the official map of the" (then) "Territory of Dakota published by the General Land Office in the year 1885, lying north of the forty-eighth parallel of north latitude, and also all that portion lying west of a north and south line 6 miles west of the most westerly point of the big bend of the Missouri River, south of the forty-eighth parallel of north latitude," open to settlement and subject to disposal as provided in section

25 of the act of March 3, 1891, aforesaid (26 U. S. Statutes at Large, p. 1035).

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 20th day of May, A. D. 1891, and of the Independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an agreement for a *modus vivendi* between the Government of the United States and the Government of Her Britannic Majesty in relation to the fur-seal fisheries in Bering Sea was concluded on the 15th day of June, A. D. 1891, word for word as follows:

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF HER BRITANNIC MAJESTY FOR A MODUS VIVENDI IN RELATION TO THE FUR-SEAL FISHERIES IN BERING SEA.

For the purpose of avoiding irritating differences and with a view to promote the friendly settlement of the questions pending between the two Governments touching their respective rights in Bering Sea, and for the preservation of the seal species, the following agreement is made without prejudice to the rights or claims of either party:

(1) Her Majesty's Government will prohibit until May next seal killing in that part of Bering Sea lying eastward of the line of demarcation described in article No. 1 of the treaty of 1867 between the United States and Russia, and will promptly use its best efforts to insure the observance of this prohibition by British subjects and vessels.

(2) The United States Government will prohibit seal killing for the same period in the same part of Bering Sea and on the shores and islands thereof the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence and care of the natives), and will promptly use its best efforts to insure the observance of this prohibition by United States citizens and vessels.

(3) Every vessel or person offending against this prohibition in the said waters of Bering Sea outside of the ordinary territorial limits of the United States may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same. The witnesses and proofs necessary to establish the offense shall also be sent with them.

(4) In order to facilitate such proper inquiries as Her Majesty's Government may desire to make with a view to the presentation of the case of that Government before arbitrators, and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

Signed and sealed in duplicate at Washington, this 15th day of June, 1891, on behalf of their respective Governments, by William F. Wharton, Acting Secretary of State of the United States, and Sir Julian Pauncefote, G. C. M. G., K. C. B., H. B. M. envoy extraordinary and minister plenipotentiary.

WILLIAM F. WHARTON. [SEAL.]
JULIAN PAUNCEFOTE. [SEAL.]

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the said agreement to be made public, to the end that the same and every part thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of June, A. D. 1891, and of the Independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:
WILLIAM F. WHARTON,
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or a subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens, or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may at its pleasure become a party to such agreement;" and

Whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;" and

Whereas satisfactory official assurances have been given that in Belgium, France, Great Britain and the British possessions, and Switzerland the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of those countries:

Now, therefore, I, Benjamin Harrison, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, is now fulfilled in respect

to the citizens or subjects of Belgium, France, Great Britain, and Switzerland.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of July, 1891, and of the Independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to section 3 of the act of Congress approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," the Secretary of State of the United States of America communicated to the Government of Spain the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3, to wit, sugars, molasses, coffee, and hides, to be exempt from duty upon their importation into the United States of America; and

Whereas the envoy extraordinary and minister plenipotentiary of Spain at Washington has communicated to the Secretary of State the fact that, in reciprocity and compensation for the admission into the United States of America free of all duty of the articles enumerated in section 3 of said act, the Government of Spain will by due legal enactment and as a provisional measure admit, from and after September 1, 1891, into all the established ports of entry of the Spanish islands of Cuba and Puerto Rico the articles or merchandise named in the following transitory schedule, on the terms stated therein, provided that the same be the product or manufacture of the United States and proceed directly from the ports of said States:

TRANSITORY SCHEDULE.

Products or manufactures of the United States to be admitted into Cuba and Puerto Rico free of duties:

1. Meats, in brine, salted or smoked, bacon, hams, and meats preserved in cans, in lard or by extraction of air, jerked beef excepted.
2. Lard.
3. Tallow and other animal greases, melted or crude, unmanufactured.
4. Fish and shellfish, live, fresh, dried, in brine, smoked, pickled, oysters and salmon in cans.
5. Oats, barley, rye, and buckwheat, and flour of these cereals.
6. Starch, maizena, and other alimentary products of corn, except corn meal.
7. Cotton seed, oil and meal cake of said seed for cattle.
8. Hay, straw for forage, and bran.

9. Fruits, fresh, dried, and preserved, except raisins.
10. Vegetables and garden products, fresh and dried.
11. Resin of pine, tar, pitch, and turpentine.
12. Woods of all kinds, in trunks or logs, joists, rafters, planks, beams, boards, round or cylindric masts, although cut, planed, and tongued and grooved, including flooring.
13. Woods for cooperage, including staves, headings, and wooden hoops.
14. Wooden boxes, mounted or unmounted, except of cedar.
15. Woods, ordinary, manufactured into doors, frames, windows, and shutters, without paint or varnish, and wooden houses, unmounted, without paint or varnish.
16. Wagons and carts for ordinary roads and agriculture.
17. Sewing machines.
18. Petroleum, raw or unrefined, according to the classification fixed in the existing orders for the importation of this article in said islands.
19. Coal, mineral.
20. Ice.

Products or manufactures of the United States to be admitted into Cuba and Puerto Rico on payment of the duties stated:

21. Corn or maize, 25 cents per 100 kilograms.
22. Corn meal, 25 cents per 100 kilograms.
23. Wheat, from January 1, 1892, 30 cents per 100 kilograms.
24. Wheat flour, from January 1, 1892, $1 per 100 kilograms.

Products or manufactures of the United States to be admitted into Cuba and Puerto Rico at a reduction of duty of 25 per cent:

25. Butter and cheese.
26. Petroleum, refined.
27. Boots and shoes in whole or in part of leather or skins.

And whereas the envoy extraordinary and minister plenipotentiary of Spain in Washington has further communicated to the Secretary of State that the Government of Spain will in like manner and as a definitive arrangement admit, from and after July 1, 1892, into all the established ports of entry of the Spanish islands of Cuba and Puerto Rico the articles or merchandise named in the following schedules A, B, C, and D, on the terms stated therein, provided that the same be the product or manufacture of the United States and proceed directly from the ports of said States:

SCHEDULE A.

Products or manufactures of the United States to be admitted into Cuba and Puerto Rico free of duties:

1. Marble, jasper, and alabaster, natural or artificial, in rough or in pieces, dressed, squared, and prepared for taking shape.
2. Other stones and earthy matters, including cement, employed in building, the arts and industries.
3. Waters, mineral or medicinal.
4. Ice.
5. Coal, mineral.
6. Resin, tar, pitch, turpentine, asphalt, schist, and bitumen.
7. Petroleum, raw or crude, in accordance with the classification fixed in the tariff of said islands.
8. Clay, ordinary, in paving tiles, large and small, bricks, and roof tiles unglazed, for the construction of buildings, ovens, and other similar purposes.
9. Gold and silver coin.
10. Iron, cast, in pigs, and old iron and steel.

11. Iron, cast, in pipes, beams, rafters, and similar articles for the construction of buildings and in ordinary manufactures. (See repertory.)

12. Iron, wrought, and steel, in bars, rails and bars of all kinds, plates, beams, rafters, and other similar articles for construction of buildings.

13. Iron, wrought, and steel, in wire, nails, screws, nuts, and pipes.

14. Iron, wrought, and steel, in ordinary manufactures, and wire cloth unmanufactured. (See repertory.)

15. Cotton, raw, with or without seed.

16. Cotton seed, oil and meal cake of same for cattle.

17. Tallow and all other animal greases, melted or crude, unmanufactured.

18. Books and pamphlets, printed, bound and unbound.

19. Woods of all kinds, in trunks or logs, joists, rafters, planks, beams, boards, and round or cylindric masts, although cut, planed, tongued and grooved, including flooring.

20. Wooden cooperage, including staves, headings, and wooden hoops.

21. Wooden boxes, mounted or unmounted, except of cedar.

22. Woods, ordinary, manufactured into doors, frames, windows, and shutters, without paint or varnish, and wooden houses, unmounted, without paint or varnish.

23. Woods, ordinary, manufactured into all kinds of articles, turned or unturned, painted or varnished, except furniture. (See repertory.)

24. Manures, natural or artificial.

25. Implements, utensils, and tools for agriculture, the arts, and mechanical trades.

26. Machines and apparatus, agricultural, motive, industrial, and scientific, of all classes and materials, and loose pieces for the same, including wagons, carts, and handcarts for ordinary roads and agriculture.

27. Material and articles for public works, such as railroads, tramways, roads, canals for irrigation and navigation, use of waters, ports, light-houses, and civil construction of general utility, when introduced by authorization of the Government or if free admission is obtained in accordance with local laws.

28. Materials of all classes for the construction, repair in whole or in part of vessels, subject to specific regulations to avoid abuse in the importation.

29. Meats, in brine, salted and smoked, including bacon, hams, and meats preserved in cans, in lard or by extraction of air, jerked beef excepted.

30. Lard and butter.

31. Cheese.

32. Fish and shellfish, live, fresh, dried, in brine, salted, smoked, and pickled, oysters and salmon in cans.

33. Oats, barley, rye, and buckwheat, and flour of these cereals.

34. Starch, maizena, and other alimentary products of corn, except corn meal.

35. Fruits, fresh, dried, and preserved, except raisins.

36. Vegetables and garden products, fresh and dried.

37. Hay, straw for forage, and bran.

38. Trees, plants, shrubs, and garden seeds.

39. Tan bark.

SCHEDULE B.

Products or manufactures of the United States to be admitted into Cuba and Puerto Rico on payment of the duties stated:

40. Corn or maize, 25 cents per 100 kilograms.

41. Corn meal, 25 cents per 100 kilograms.

42. Wheat, 30 cents per 100 kilograms.

43. Wheat flour, $1 per 100 kilograms.

44. Carriages, cars and other vehicles for railroads or tramways, where authorization of the Government for free admission has not been obtained, 1 per cent *ad valorem*.

SCHEDULE C.

Products or manufactures of the United States to be admitted into Cuba and Puerto Rico at a reduction of duty of 50 per cent:

45. Marble, jasper, and alabaster of all kinds, cut into flags, slabs, or steps, and the same worked or carved in all kinds of articles, polished or not.

46. Glass and crystal ware, plate and window glass, and the same silvered, quicksilvered, and platinized.

47. Clay in tiles, large and small, and mosaic for pavement, colored tiles, roof tiles glazed, and pipes.

48. Stoneware and fine earthenware, and porcelain.

49. Iron, cast, in fine manufactures or those polished, with coating of porcelain or part of other metals. (See repertory.)

50. Iron, wrought, and steel, in axles, tires, springs, and wheels for carriages, rivets and their washers.

51. Iron, wrought, and steel, in fine manufactures or those polished, with coating of porcelain or part of other metals, not expressly comprised in other numbers of these schedules, and platform scales for weighing. (See repertory.)

52. Needles, pens, knives (table and carving), razors, penknives, scissors, pieces for watches, and other similar articles of iron and steel.

53. Tin plate in sheets or manufactured.

54. Copper, bronze, brass, and nickel, and alloys of same with common metals, in lump or bars, and all manufactures of the same.

55. All other common metals and alloys of the same, in lump or bars, and all manufactures of the same, plain, varnished, gilt, silvered, or nickeled.

56. Furniture of all kinds, of wood or metal, including school furniture, blackboards, and other materials for schools, and all kinds of articles of fine woods not expressly comprised in other numbers of these schedules. (See repertory.)

57. Rushes, esparto, vegetable hair, broom corn, willow, straw, palm, and other similar materials, manufactured into articles of all kinds.

58. Pastes for soups, rice flour, bread and crackers, and alimentary farinas not comprised in other numbers of these schedules.

59. Preserved alimentary substances and canned goods not comprised in other numbers of these schedules, including sausages, stuffed meats, mustards, sauces, pickles, jams, and jellies.

60. Rubber and gutta-percha and manufactures thereof, alone or mixed with other substances (except silk), and oilcloths and tarpaulin.

61. Rice, hulled or unhulled.

SCHEDULE D.

Products or manufactures of the United States to be admitted into Cuba and Puerto Rico at a reduction of duty of 25 per cent:

62. Petroleum, refined, and benzine.

63. Cotton, manufactured, spun or twisted, and in goods of all kinds, woven or knit, and the same mixed with other vegetable or animal fibers in which cotton is an equal or greater component part, and clothing exclusively of cotton.

64. Rope, cordage, and twine of all kinds.

65. Colors, crude and prepared, with or without oil, inks of all kinds, shoe blacking, and varnishes.

66. Soap, toilet, and perfumery.

67. Medicines, proprietary or patent and all others, and drugs.

68. Stearine and tallow manufactured in candles.

69. Paper for printing, for decorating rooms, of wood or straw, for wrapping and packing, and bags and boxes of same, sandpaper and pasteboard.

70. Leather and skins, tanned, dressed, varnished, or japanned, of all kinds, including sole leather or belting.

71. Boots and shoes in whole or in part of leather or skins.

72. Trunks, valises, traveling bags, portfolios, and other similar articles in whole or in part of leather.

73. Harness and saddlery of all kinds.

74. Watches and clocks of gold, silver, or other metals, with cases of stone, wood, or other material, plain or ornamented.

75. Carriages of two or four wheels and pieces of the same.

It is understood that flour which on its exportation from the United States has been favored with drawbacks shall not share in the foregoing reduction of duty.

The provisional arrangement as set forth in the transitory schedule shall come to an end on July 1, 1892, and on that date be substituted by the definitive arrangement as set forth in schedules A, B, C, and D.

And that the Government of Spain has further provided that the laws and regulations adopted to protect its revenue and prevent fraud in the declarations and proof that the articles named in the foregoing schedules are the product or manufacture of the United States of America shall place no undue restrictions on the importer nor impose any additional charges or fees therefor on the articles imported; and

Whereas the Secretary of State has, by my direction, given assurance to the envoy extraordinary and minister plenipotentiary of Spain at Washington that this action of the Government of Spain in granting exemption of duties to the products and manufactures of the United States of America on their importation into Cuba and Puerto Rico is accepted for those islands as a due reciprocity for the action of Congress as set forth in section 3 of said act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above-stated modifications of the tariff laws of Cuba and Puerto Rico to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 31st day of July, 1891, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to section 3 of the act of Congress approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," the Secretary of State of the United States of America communicated to the Government of the Dominican

Republic the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3, to wit, sugars, molasses, coffee, and hides, to be exempt from duty upon their importation into the United States of America; and

Whereas the envoy extraordinary and minister plenipotentiary of the Dominican Republic at Washington has communicated to the special plenipotentiary of the United States the fact that, in reciprocity and compensation for the admission into the United States of America free of all duty of the articles enumerated in section 3 of said act, the Government of the Dominican Republic will by due legal enactment admit, from and after September 1, 1891, into all the established ports of entry of the Dominican Republic the articles or merchandise named in the following schedules, on the terms stated therein, provided that the same be the product or manufacture of the United States and proceed directly from the ports of said States:

SCHEDULE A.

Articles to be admitted free of duty into the Dominican Republic:

1. Animals, live.
2. Meats of all kinds, salted or in brine, but not smoked.
3. Corn or maize, corn meal, and starch.
4. Oats, barley, rye, and buckwheat, and flour of these cereals.
5. Hay, bran, and straw for forage.
6. Trees, plants, vines, and seeds, and grains of all kinds for propagation.
7. Cotton-seed oil and meal cake of same.
8. Tallow, in cake or melted, and oil for machinery, subject to examination and proof respecting the use of said oil.
9. Resin, tar, pitch, and turpentine.
10. Manures, natural and artificial.
11. Coal, mineral.
12. Mineral waters, natural and artificial.
13. Ice.
14. Machines, including steam engines and those of all other kinds, and parts of the same, implements and tools for agricultural, mining, manufacturing, industrial, and scientific purposes, including carts, wagons, handcarts, and wheelbarrows, and parts of the same.
15. Material for the construction and equipment of railways.
16. Iron, cast and wrought, and steel, in pigs, bars, rods, plates, beams, rafters, and other similar articles for the construction of buildings, and in wire, nails, screws, and pipes.
17. Zinc, galvanized and corrugated iron, tin and lead in sheets, asbestus, tar paper, tiles, slate, and other material for roofing.
18. Copper in bars, plates, nails, and screws.
19. Copper and lead pipe.
20. Bricks, fire bricks, cement, lime, artificial stone, paving tiles, marble and other stones in rough, dressed or polished, and other earthy materials used in building.
21. Windmills.
22. Wire, plain or barbed, for fences, with hooks, staples, nails, and similar articles used in the construction of fences.
23. Telegraph wire and telegraphic, telephonic, and electrical apparatus of all kinds for communication and illumination.

24. Wood and lumber of all kinds for building, in logs or pieces, beams, rafters, planks, boards, shingles, flooring, joists, wooden houses, mounted or unmounted, and accessory parts of buildings.

25. Cooperage of all kinds, including staves, headings, and hoops, barrels and boxes, mounted or unmounted.

26. Materials for shipbuilding.

27. Boats and lighters.

28. School furniture, blackboards, and other articles exclusively for the use of schools.

29. Books, bound or unbound, pamphlets, newspapers and printed matter, and paper for printing newspapers.

30. Printers' inks of all colors, type, leads, and all accessories for printing.

31. Sacks, empty, for packing sugar.

32. Gold and silver coin and bullion.

SCHEDULE B.

Articles to be admitted into the Dominican Republic at a reduction of duty of 25 per cent:

33. Meats not included in Schedule A and meat products of all kinds except lard.

34. Butter, cheese, and condensed or canned milk.

35. Fish and shellfish, salted, dried, smoked, pickled, or preserved in cans.

36. Fruits and vegetables, fresh, canned, dried, pickled, or preserved.

37. Manufactures of iron and steel, single or mixed, not included in Schedule A.

38. Cotton, manufactured, spun or twisted, and in fabrics of all kinds, woven or knit, and the same fabrics mixed with other vegetable or animal fibers in which cotton is the equal or greater component part.

39. Boots and shoes in whole or in part of leather or skins.

40. Paper for writing, in envelopes, ruled or blank books, wall paper, paper for wrapping and packing, for cigarettes, in cardboard, boxes, and bags, sandpaper and pasteboard.

41. Tin plate and tinware for arts, industries, and domestic uses.

42. Cordage, rope, and twine of all kinds.

43. Manufactures of wood of all kinds not embraced in Schedule A, including wooden ware, implements for household use, and furniture in whole or in part of wood.

And that the Government of the Dominican Republic has further provided that the laws and regulations adopted to protect its revenue and prevent fraud in the declarations and proof that the articles named in the foregoing schedules are the product or manufacture of the United States of America shall place no undue restrictions on the importer nor impose any additional charges or fees therefor on the articles imported; and

Whereas the special plenipotentiary of the United States has, by my direction, given assurance to the envoy extraordinary and minister plenipotentiary of the Dominican Republic at Washington that this action of the Government of the Dominican Republic in granting exemption of duties to the products and manufactures of the United States of America on their importation into the Dominican Republic is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above-stated modifications of

the tariff laws of the Dominican Republic to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of August, 1891, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of an act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and limits thereof.

And whereas the lands hereinafter described are public and forest bearing, and on the 30th of March last I issued a proclamation* intended to reserve the same as authorized in said act, but as some question has arisen as to the boundaries proclaimed being sufficiently definite to cover the forests intended to be reserved:

Now, therefore, I, Benjamin Harrison, President of the United States, for the purpose of removing any doubt and making the boundaries of said reservation more definite, by virtue of the power in me vested by said act, do hereby issue this my second proclamation and hereby set apart, reserve, and establish as a public reservation all that tract of land situate in the State of Wyoming embraced within the following boundary:

Beginning at a point on the parallel of 44° 50′ north latitude where said parallel is intersected by the east boundary of the Yellowstone National Park; thence due east along said parallel 24½ miles; thence due south to the parallel of 44° north latitude; thence due west along said parallel to its point of intersection with the west boundary of the State of Wyoming; thence due north along said boundary to its intersection with the south boundary of the Yellowstone National Park; thence due east along the south boundary of said park to the southeast corner thereof; thence due north along the east boundary of said park to the place of beginning.

And warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

*See pp. 5577-5578.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 10th day of September, A. D. 1891, and of the Independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by a written agreement made on the 12th day of June, 1890, the Sac and Fox Nation of Indians, in the Territory of Oklahoma, ceded and conveyed to the United States of America all title or interest of said Indians in and to the lands particularly described in Article I of the agreement, except the quarter section of land on which the Sac and Fox Agency is located, and provided that the section of land now designated and set apart near the Sac and Fox Agency for a school and farm shall not be subject either to allotment or to homestead entry; that every citizen of said nation shall have an allotment of land in quantity as therein stated, to be selected within the tract of country so ceded, except in sections 16 and 36 in each Congressional township, and except the agency quarter section and section set apart for school and farm, as above mentioned, or other lands selected in lieu thereof; that when the allotments to the citizens of the Sac and Fox Nation are made the Secretary of the Interior shall cause trust patents to issue therefor in the name of the allottees, and that as soon as such allotments are so made and approved by the Department of the Interior, and the patents provided for are issued, then the residue of said tract of country shall, as far as said Sac and Fox Nation is concerned, become public lands of the United States, and, under such restrictions as may be imposed by law, be subject to white settlement; and

Whereas by a certain other agreement with the Iowa tribe of Indians residing on the Iowa Reservation, in said Territory, made on the 20th day of May, 1890, said tribe surrendered and relinquished to the United States all their title and interest in and to the lands of said Indians in said Territory, and particularly described in Article I of said agreement, and provided that each and every member of said tribe shall have an allotment of 80 acres of land upon said reservation, and upon the approval of such allotments by the Secretary of the Interior that trust patents shall be issued therefor, and that there shall be excepted from the operation of said agreement a tract of land not exceeding 10 acres, in a square form, including the church and schoolhouse and graveyard at or near the Iowa village, which shall belong to said Iowa tribe of Indians in common,

subject to the conditions and limitations in said agreement expressed; that the chief of the Iowas may select an additional 10 acres, in a square form, for the use of said tribe in said reservation, conforming in boundaries to the legal subdivisions of land therein, which shall be held by said tribe in common, subject to the conditions and limitations as expressed in relation thereto; and

Whereas it is provided in the act of Congress approved February 13, 1891 (26 U. S. Statutes at Large, pp. 758, 759), section 7, accepting, ratifying, and confirming said agreements with the Sac and Fox Nation of Indians and the Iowa tribe of Indians—

That whenever any of the lands acquired by the agreements in this act ratified and confirmed shall by operation of law or proclamation of the President of the United States be open to settlement they shall be disposed of to actual settlers only, under the provisions of the homestead laws, except section 2301, which shall not apply: *Provided, however*, That each settler under and in accordance with the provisions of said homestead laws shall before receiving a patent for his homestead pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of $1.25 for each acre thereof; and such person, having complied with all the laws relating to such homestead settlement, may at his option receive a patent therefor at the expiration of twelve months from date of settlement upon said homestead; and any person otherwise qualified who has attempted to but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon any of said lands.

And whereas by a certain other agreement with the Citizen band of Pottawatomie Indians, in said Territory, made on the 25th day of June, 1890, the said band of Indians ceded and absolutely surrendered to the United States all their title and interest in and to the lands in said Territory, and particularly described in Article I of said agreement, and provided that all allotments of land theretofore made, or then being made, or to be made, to members of said Citizen band of Pottawatomie Indians under the provisions of the general allotment act approved February 8, 1887, shall be confirmed; that in all allotments to be thereafter made no person shall have the right to select his or her allotment in sections 16 and 36 in any Congressional township, nor upon any land heretofore set apart in said tract of country for any use by the United States, or for schools, school-farm, or religious purposes; nor shall said sections 16 and 36 be subject to homestead entry, but shall be kept and used for school purposes; nor shall any lands set apart for any use of the United States, or for school, school-farm, or religious purposes, be subject to homestead entry, but shall be held by the United States for such purposes so long as the United States shall see fit to use them; and further, that the south half of section 7 and the north half of section 18, in township 6 north, range 5 east, theretofore set apart by a written agreement between said band of Indians and certain Catholic fathers for religious, school, and farm purposes, shall not be subject to allotment or homestead entry, but shall be held by the United States for the Sacred Heart Mission, the name under which said

association of fathers are conducting the church, school, and farm on said lands; and

Whereas by a certain agreement with the Absentee Shawnee Indians, in said Territory, made on the 26th day of June, 1890, said last-named Indians ceded, relinquished, and surrendered to the United States all their title and interest in and to the lands in said Territory, and particularly described in Article I of said agreement, provided that all allotments of lands theretofore made, or then being made, or to be made, to said Absentee Shawnees under the provisions of the general allotment act approved February 8, 1887, shall be confirmed; that in all allotments to be thereafter made no person shall have the right to select his or her allotment in sections 16 and 36 in any Congressional township, nor in any land heretofore set apart in said tract of country for any use by the United States, or for school, school-farm, or religious purposes; nor shall said sections 16 and 36 be subject to homestead entry, but shall be held by the United States for such purposes so long as the United States shall see fit to use them; and

Whereas it is provided in the act of Congress accepting, ratifying, and confirming said agreements with the Citizen band of Pottawatomie Indians and the Absentee Shawnee Indians, approved March 3, 1891 (26 U. S. Statutes at Large, pp. 989–1044), section 16—

> That whenever any of the lands acquired by either of the * * * foregoing agreements respecting lands in the Indian or Oklahoma Territory shall by operation of law or proclamation of the President of the United States be open to settlement they shall be disposed of to actual settlers only, under the provisions of the homestead and town-site laws, except section 2301 of the Revised Statutes of the United States, which shall not apply: *Provided, however*, That each settler on said lands shall before making a final proof and receiving a certificate of entry pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of $1.50 per acre, one-half of which shall be paid within two years; but the rights of honorably discharged Union soldiers and sailors as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States shall not be abridged except as to the sum to be paid as aforesaid; and all the lands in Oklahoma are hereby declared to be agricultural lands, and proof of their nonmineral character shall not be required as a condition precedent to final entry.

And whereas allotments of land in severalty to said Sac and Fox Nation, said Iowa tribe, said Citizen band of Pottawatomies, and said Absentee Shawnee Indians have been made and approved, and provisional patents issued therefor, in accordance with law and the provisions of the beforementioned agreements with them respectively, and an additional 10 acres of land has been selected for the use of said Iowa tribe, to be held by said tribe in common, in accordance with the provisions of supplemental Article XII of the agreement with them; and

Whereas the lands acquired by the four several agreements hereinbefore mentioned have been divided into counties by the Secretary of the Interior, as required by said last-mentioned act of Congress before the

same shall be open to settlement, and lands have been reserved for county-seat purposes, as therein required; and

Whereas it is provided by act of Congress for temporary government of Oklahoma, approved May 2, 1890, that there shall be reserved public highways 4 rods wide between each section of land in said Territory, the section lines being the centers of said highways, but no deduction shall be made from cash payments from each quarter section by reason thereof; and

Whereas all the terms, conditions, and considerations required by said several agreements made respectively with said tribes of Indians hereinbefore mentioned, and of the laws relating thereto, precedent to opening said several tracts of land to settlement, have been, as I hereby declare, provided for, paid, and complied with:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by the statutes hereinbefore mentioned, also an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes," approved March 2, 1889, and by other the laws of the United States, and by said several agreements, do hereby declare and make known that all of the lands acquired from the Sac and Fox Nation of Indians, the Iowa tribe of Indians, the Citizen band of Pottawatomie Indians, and the Absentee Shawnee Indians by the four several agreements aforesaid, saving and excepting the lands allotted to the Indians as in said agreements provided, or otherwise reserved in pursuance of the provisions of said agreements and the said acts of Congress ratifying the same and other the laws relating thereto, will, at and after the hour of 12 o'clock noon (central standard time), Tuesday, the 22d day of this the present month of September, and not before, be opened to settlement, under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said agreements, the statutes above specified, and the laws of the United States applicable thereto.

The lands to be so opened to settlement are for greater convenience particularly described in the accompanying schedule, entitled "Schedule of lands within the Sac and Fox, Iowa, Pottawatomie (and Absentee Shawnee) reservations, in Oklahoma Territory, opened to settlement by proclamation of the President dated September 18, 1891," and which schedule is made a part hereof.

Each entry shall be in square form as nearly as practicable; and no other lands in the Territory of Oklahoma are opened to settlement under this proclamation or the agreements ratifying the same.

Notice, moreover, is hereby given that it is by law enacted that until said lands are opened to settlement by proclamation no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands or acquire

any right thereto. The officers of the United States will be required to enforce this provision.

And further notice is hereby given that it has been duly ordered that the lands in the Territory of Oklahoma mentioned and included in this proclamation be, and the same are, attached to the Eastern and Oklahoma land districts in said Territory, severally, as follows:

1. All that portion of the Territory of Oklahoma commencing at the southwest corner of township 14 north, range 1 east; thence east on town line between townships 13 and 14 to the west boundary of the Creek country; thence north on said boundary line to the middle of main channel of the Cimarron River; thence up the Cimarron River, following the main channel thereof, to the Indian meridian; thence south on said meridian line to the place of beginning, is attached to the Eastern land district in Oklahoma Territory, the office of which is now located at Guthrie.

2. All that portion of said Territory commencing at the northwest corner of township 13 north, range 1 east; thence south on Indian meridian to the North Fork of the Canadian River; thence west up said river to the west boundary of the Pottawatomie Indian Reservation, according to Morrill's survey; thence south, following the line as run by O. T. Morrill under his contract of September 3, 1872, to the middle of the main channel of the Canadian River; thence east down the main channel of said river to the west boundary of the Seminole Indian Reservation; thence north with said west boundary to the North Fork of the Canadian River; thence east down said North Fork to the west boundary of the Creek Nation; thence north with said west boundary to its intersection with the line between townships 13 and 14 north of the Indian base; thence west on town line between townships 13 and 14 north to the place of beginning, is attached to the Oklahoma land district in said Territory, the office of which is now located at Oklahoma City.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 18th day of September A. D. 1891, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal the timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public lands bearing forests, in any part of

the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservation and the limits thereof.

And whereas the public lands in the State of Colorado within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of Colorado and particularly described as follows, to wit:

Beginning at a point between sections three (3) and four (4) on the north boundary of township five (5) south, range eighty-seven (87) west of the sixth principal meridian in Colorado; thence north 12 miles; thence east to the southeast corner of township two (2) south, range eighty-six (86) west; thence north between ranges numbered eighty-five (85) and eighty-six (86) west to the base line; thence west along the base line to the southwest corner of township one (1) north, range eighty-five (85) west; thence north between ranges numbered eighty-five (85) and eighty-six (86) west to a point between sections thirteen (13) and twenty-four (24) on the east boundary of township five (5) north, range eighty-six (86) west; thence west through the middle of township five (5) north to the center of township five (5) north, range ninety-one (91) west; thence south to a point between sections three (3) and four (4) on the north boundary of township two (2) north, range ninety-one (91) west; thence west six (6) miles to a point between sections three (3) and four (4) on the north boundary of township two (2) north, range ninety-two (92) west; thence south to a point on the base line between sections thirty-three (33) and thirty-four (34) of township one (1) north, range ninety-two (92) west; thence west along the base line to a point between sections three (3) and four (4) on the north boundary of township one (1) south, range ninety-two (92) west; thence south to a point between sections three (3) and four (4) on the north boundary of township two (2) south, range ninety-two (92) west; thence west to the northwest corner of township two (2) south, range ninety-three (93) west; thence south to the southwest corner of township three (3) south, range ninety-three (93) west; thence east to the northeast corner of township four (4) south, range ninety-two (92) west; thence south to the southeast corner of township four (4) south, range ninety-two (92) west; thence east to the place of beginning.

Excepting from the force and effect of this proclamation all land which may have been prior to the date hereof embraced in any valid entry or covered by a lawful filing duly made in the proper United States land office,

and all mining claims duly located and held according to the laws of the United States and local rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman or claimant continues to comply with the law under which the entry, filing, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 16th day of October, A. D. 1891, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

It is a very glad incident of the marvelous prosperity which has crowned the year now drawing to a close that its helpful and reassuring touch has been felt by all our people. It has been as wide as our country, and so special that every home has felt its comforting influence. It is too great to be the work of man's power and too particular to be the device of his mind. To God, the beneficent and the all-wise, who makes the labors of men to be fruitful, redeems their losses by His grace, and the measure of whose giving is as much beyond the thoughts of man as it is beyond his deserts, the praise and gratitude of the people of this favored nation are justly due.

Now, therefore, I, Benjamin Harrison, President of the United States of America, do hereby appoint Thursday, the 26th day of November present, to be a day of joyful thanksgiving to God for the bounties of His providence, for the peace in which we are permitted to enjoy them, and for the preservation of those institutions of civil and religious liberty which He gave our fathers the wisdom to devise and establish and us the courage to preserve. Among the appropriate observances of the day are rest from toil, worship in the public congregation, the renewal of family ties about our American firesides, and thoughtful helpfulness toward those who suffer lack of the body or of the spirit.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 13th day of November, A. D. 1891, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory proof has been given to me that no tonnage or light-house dues, or other equivalent tax or taxes, are imposed upon vessels of the United States in the ports of the island of Tobago, one of the British West India Islands:

Now, therefore, I, Benjamin Harrison, President of the United States of America, by virtue of the authority vested in me by section 11 of the act of Congress entitled "An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," approved June 19, 1886, do hereby declare and proclaim that from and after the date of this my proclamation shall be suspended the collection of the whole of the tonnage duty which is imposed by said section of said act upon vessels entered in the ports of the United States from any of the ports of the island of Tobago.

Provided, That there shall be excluded from the benefits of the suspension hereby declared and proclaimed the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels of such country or on the cargoes of such vessels; but this proviso shall not be held to be inconsistent with the special regulation by foreign countries of duties and other charges on their own vessels, and the cargoes thereof, engaged in their coasting trade, or with the existence between such countries and other states of reciprocal stipulations founded on special conditions and equivalents, and thus not within the treatment of American vessels under the most-favored-nation clause in treaties between the United States and such countries.

And the suspension hereby declared and proclaimed shall continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued in the said ports of the island of Tobago and no longer.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 2d day of December, A. D. 1891, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,

Secretary of State.

EXECUTIVE ORDERS.

EXECUTIVE MANSION,
Washington, D. C., January 19, 1891.

The death of George Bancroft, which occurred in the city of Washington on Saturday, January 17, at 3.40 o'clock p. m., removes from among the living one of the most distinguished Americans. As an expression of the public loss and sorrow the flags of all the Executive Departments at Washington and the public buildings in the cities through which the funeral party is to pass will be placed at half-mast on to-morrow and until the body of this eminent statesman, scholar, and historian shall rest in the State that gave him to his country and to the world.

By direction of the President:

ELIJAH W. HALFORD, *Private Secretary.*

AMENDMENT OF CIVIL-SERVICE RULES.

JANUARY 26, 1891.

Special Departmental Rule No. 1 is hereby amended by adding to the exceptions from examination therein declared the following:

In the Department of Agriculture, in the office of the Secretary, division of illustration and engraving: One artist.

BENJ. HARRISON.

DEPARTMENT OF STATE,
Washington, January 30, 1891.

SIR:* The Hon. William Windom, Secretary of the Treasury of the United States, died suddenly last night, in the city of New York, at the hour of eleven minutes past 10 o'clock, in the sixty-fourth year of his age. Thus has passed away a man of pure life, an official of stainless integrity, distinguished by long and eminent service in both branches of Congress and by being twice called to administer the national finances. His death has caused deep regret throughout the country, while to the President and those associated with him in the administration of the Government it comes as a personal sorrow.

The President directs that all the Departments of the executive branch of the Government and the officers subordinate thereto shall manifest due respect to the memory of this eminent citizen in a manner consonant with the dignity of the office which he has honored by his devotion to public duty.

The President further directs that the Treasury Department in all its branches in this capital be draped in mourning for the period of thirty days, that on the day of the funeral the several Executive Departments

* Addressed to the heads of the Executive Departments, etc.

shall be closed, and that on all public buildings throughout the United States the national flag shall be displayed at half-mast.

Very respectfully,

JAMES G. BLAINE.

EXECUTIVE MANSION, *February 13, 1891.*

To the Heads of the Executive Departments:

In token of respect to the memory of Admiral David D. Porter, who died this morning, the President directs that the national flag be displayed at half-mast upon all public buildings throughout the United States until after his funeral shall have taken place, and that on the day of the funeral public business in the Departments at Washington be suspended.

E. W. HALFORD, *Private Secretary.*

GENERAL ORDERS No. 16.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 14, 1891.

I. The following order of the War Department is published to the Army:

WAR DEPARTMENT,
Washington, February 14, 1891.

The death of General Sherman is hereby announced in the fitting words of the President in his message to Congress:

[For message see p. 135.]

The following Executive order will be published to the Army:

EXECUTIVE MANSION,
Washington, D. C., February 14, 1891.

It is my painful duty to announce to the country that General William Tecumseh Sherman died this day at 1 o'clock and 50 minutes p. m., at his residence in the city of New York. The Secretary of War will cause the highest military honors to be paid to the memory of this distinguished officer. The national flag will be floated at half-mast over all public buildings until after the burial, and the public business will be suspended in the Executive Departments at the city of Washington and in the city where the interment takes place on the day of the funeral and in all places where public expression is given to the national sorrow during such hours as will enable every officer and employee to participate therein with their fellow-citizens.

BENJ. HARRISON.

The Major-General Commanding will issue the necessary orders to the Army.

It is ordered, That the War Department be draped in mourning for the period of thirty days, and that all business be suspended therein on the day of the funeral.

L. A. GRANT, *Acting Secretary of War.*

II. On the day of the funeral the troops at every military post will be paraded and this order read to them, after which all labors for the day will cease. The national flag will be displayed at half-staff from the time of the receipt of this order until the close of the funeral. On the day of the funeral a salute of seventeen guns will be fired at half-hour intervals, commencing at 8 o'clock a. m. The officers of the Army will wear the usual badges of mourning, and the colors of the several regiments and battalions will be draped in mourning for a period of six months.

The day and hour of the funeral will be communicated to department commanders by telegraph, and by them to their subordinate commanders. Other necessary orders will be issued hereafter relative to the appropriate funeral ceremonies.

By command of Major-General Schofield:

J. C. KELTON, *Adjutant-General.*

GENERAL ORDER.

NAVY DEPARTMENT, *February 16, 1891.*

The following Executive order, announcing the death of General William Tecumseh Sherman, is published for the information of the Navy and the Marine Corps:

[For Executive order see preceding page.]

In accordance with the order of the President, the Navy Department will be closed and all business suspended therein on the day of the funeral, and the flag at all yards and stations will be displayed at half-mast until after the burial of General Sherman, and in all places where public expression is given to the national sorrow business will be suspended at navy-yards or stations during such hours as will enable officers and employees of the Navy to participate therein with their fellow-citizens.

B. F. TRACY, *Secretary of the Navy.*

AMENDMENT OF CIVIL-SERVICE RULES.

FEBRUARY 18, 1891.

Special Departmental Rule No. 1 is hereby amended so as to include among the places excepted from examination therein the following:

In the Department of Agriculture, in the office of the Secretary: Private secretary to the chief of the division of statistics.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

FEBRUARY 21, 1891.

Special Departmental Rule No. 1 is hereby amended so as to include among the places excepted from examination therein the following:

In the Department of the Treasury, in the Coast and Geodetic Survey: Clerk to act as confidential clerk and cashier to the disbursing officer.

In the Post-Office Department, office of Assistant Attorney-General: Confidential clerk to the Assistant Attorney-General.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, D. C., February 26, 1891.

In accordance with an act of Congress approved September 27, 1890, the following limits to the punishment of enlisted men, together with the accompanying regulations, are established for the government in time of peace of all courts-martial, and will take effect thirty days after the date of this order:

I. Subject to the modifications authorized in subdivision 3 of this section, the punishment for desertion shall not exceed the following:

1. In the case of a soldier who surrenders—

(*a*) When such surrender is made within thirty days after desertion, confinement at hard labor, with forfeiture of pay and allowances, for three months.

(*b*) When such surrender is made after an absence of more than thirty days and not more than ninety days, confinement at hard labor, with forfeiture of pay and allowances, for six months.

(*c*) When such surrender is made after an absence of more than ninety days, dishonorable discharge, with forfeiture of all pay and allowances, and confinement at hard labor for eighteen months: *Provided*, That in the case of a deserter who had not been more than three months in the service the confinement shall not exceed ten months.

2. In the case of a soldier who does not surrender—

(*a*) When at the time of desertion he shall have been less than three months in the service, dishonorable discharge, with forfeiture of all pay and allowances, and confinement at hard labor for one year.

(*b*) When at the time of desertion he shall have been three months or more, but less than six months, in the service, dishonorable discharge, with forfeiture of all pay and allowances, and confinement at hard labor for eighteen months.

(*c*) When at the time of desertion he shall have been six months or more in the service, dishonorable discharge, with forfeiture of all pay and allowances, and confinement at hard labor for two years and six months.

3. The foregoing limitations will be subject to modification under the following conditions:

(*a*) The punishment of a deserter may be increased by one year of

confinement at hard labor in consideration of each previous conviction of desertion, and also by dishonorable discharge and forfeiture of all pay and allowances when not already authorized.

(*b*) The punishment for desertion when joined in by two or more soldiers in the execution of a conspiracy, or for desertion in the presence of an outbreak of Indians or of any unlawful assemblage which the troops may be opposing, shall not exceed dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for five years.

II. Except as herein otherwise indicated, punishments shall not exceed the limits prescribed in the following table:

Offenses.	Limit of punishment.
Under seventeenth article of war.	
Selling horse or arms, either or both	Three years' confinement at hard labor; for noncommissioned officer, reduction in addition thereto.*
Selling accouterments	Four months' confinement at hard labor; for noncommissioned officer, reduction in addition thereto.*
Selling clothing	Two months' confinement at hard labor; for noncommissioned officer, reduction in addition thereto.*
Losing or spoiling horse or arms through neglect.	Four months' confinement at hard labor; for noncommissioned officer, reduction in addition thereto.*
Losing or spoiling accouterments or clothing through neglect.	One month's confinement at hard labor; for noncommissioned officer, reduction in addition thereto.*
Under twentieth article of war.	
Behaving himself with disrespect toward his commanding officer.	Six months' confinement at hard labor and forfeiture of $10 per month for the same period; for noncommissioned officer, reduction in addition thereto.
Under twenty-fourth article of war.	
Refusal to obey or using violence to officer or noncommissioned officer while quelling quarrels or disorders.	Dishonorable discharge, with forfeiture of all pay and allowances, and imprisonment for 2 years.
Under thirty-first article of war.	
Lying out of quarters	Forfeiture of $2; corporal, $3; sergeant, $4.
Under thirty-second article of war.	
Absence without leave—	
Less than 1 hour (not including absence from a roll call).	Forfeiture of 50 cents; corporal, $1; sergeant, $2.
Less than 1 hour (including absence from a roll call).	Forfeiture of $1; corporal, $2; sergeant, $3; first sergeant or noncommissioned officer of higher grade, $4.
From 1 to 6 hours	Forfeiture of $2; corporal, $3; sergeant, $4; first sergeant or noncommissioned officer of higher grade, $5.
From 6 to 12 hours	Forfeiture of $3; corporal, $4; sergeant, $6; first sergeant or noncommissioned officer of higher grade, $7.
From 12 to 24 hours	Forfeiture of $5; corporal, $6; sergeant, $7; first sergeant or noncommissioned officer of higher grade, $10.

*In addition to the stoppages "sufficient for repairing the loss or damage," which the law requires the court-martial to adjudge. The court's action under this requirement in the case of sale or loss through neglect of clothing shall be limited to a confirmation of the charge made against the offender on his clothing account.

Offenses.	Limit of punishment.
Under thirty-second article of war—continued.	
Absence without leave—continued.	
From 24 to 48 hours	Forfeiture of $6 and 5 days' confinement at hard labor. For corporal, forfeiture of $8; sergeant, $10; first sergeant or noncommissioned officer of higher grade, $12; or for all noncommissioned officers, reduction.
From 2 to 9 days	Forfeiture of $10 and 10 days' confinement at hard labor; for noncommissioned officer, reduction in addition thereto.
From 10 to 29 days	Forfeiture of $20 and 1 month's confinement at hard labor; for noncommissioned officer, reduction in addition thereto.
From 30 to 90 days	Three months' confinement at hard labor and forfeiture of $10 per month for same period; for noncommissioned officer, reduction in addition thereto.
For more than 90 days	Dishonorable discharge and forfeiture of all pay and allowances and 3 months' confinement at hard labor.
Under thirty-third article of war.	
Failure to repair at the time fixed, etc., to the place of parade for—	
Reveille or retreat roll call	Forfeiture of 50 cents; corporal, $1; sergeant, $2; first sergeant, $3.
Guard detail	Forfeiture of $5; corporal, $8; sergeant, $10.
Fatigue detail	Forfeiture of $2; corporal, $3; sergeant, $5.
Dress parade	
The weekly inspection	
Target practice	
Drill	
Guard mounting (by musician)	
Stable duty	
Under thirty-eighth article of war.	
Drunkenness on—	
Guard	Six months' confinement at hard labor and forfeiture of $10 per month for the same period; for noncommissioned officer, reduction in addition thereto.
Duty as company cook	Forfeiture of $10.
Extra or special duty	Forfeiture of $6; for noncommissioned officer, reduction and forfeiture of $10.
At drill	
At target practice	
At parade	
At inspection	
At inspection of company guard detail	
At stable duty	
Under fortieth article of war.	
Quitting guard	Six months' confinement at hard labor and forfeiture of $10 per month for the same period; for noncommissioned officer, reduction in addition thereto.
Under fifty-first article of war.	
Persuading soldiers to desert	Six months' confinement at hard labor and forfeiture of $10 per month for the same period; for noncommissioned officer, reduction in addition thereto.
Under sixtieth article of war	Dishonorable discharge, forfeiture of all pay and allowances, and 4 years' imprisonment.
Under sixty-second article of war.	
Manslaughter	Dishonorable discharge, forfeiture of all pay and allowances, and 10 years' imprisonment.

Offenses.	Limit of punishment.
Under sixty-second article of war—continued.	
Assault with intent to kill	Dishonorable discharge, forfeiture of all pay and allowances, and 10 years' imprisonment.
Burglary	Dishonorable discharge, forfeiture of all pay and allowances, and 5 years' imprisonment.
Forgery	Dishonorable discharge, forfeiture of all pay and allowances, and 4 years' imprisonment.
Perjury	Dishonorable discharge, forfeiture of all pay and allowances, and 4 years' imprisonment.
False swearing	Dishonorable discharge, forfeiture of all pay and allowances, and 2 years' imprisonment.
Robbery	Dishonorable discharge, forfeiture of all pay and allowances, and 6 years' imprisonment.
Larceny or embezzlement of property of the value of—*	
More than $100	Dishonorable discharge, forfeiture of all pay and allowances, and 4 years' imprisonment.
$100 or less and more than $50	Dishonorable discharge, forfeiture of all pay and allowances, and 3 years' imprisonment.
$50 or less and more than $20	Dishonorable discharge, forfeiture of all pay and allowances, and 2 years' imprisonment.
$20 or less	Dishonorable discharge, forfeiture of all pay and allowances, and 1 year's imprisonment.
Disobedience of orders, involving willful defiance of the authority of a noncommissioned officer in charge of a guard or party.	Six months' confinement at hard labor and forfeiture of $10 per month for the same period; for noncommissioned officer, reduction in addition thereto.
Using threatening or insulting language or behaving in an insubordinate manner to a noncommissioned officer while in the execution of his office.	One month's confinement at hard labor and forfeiture of $10; for noncommissioned officer, reduction in addition thereto.
Absence from fatigue duty	Forfeiture of $4; corporal, $5; sergeant, $6.
Absence from extra or special duty.	Forfeiture of $4; corporal, $5; sergeant, $6.
Absence from duty as company or hospital cook.	Forfeiture of $10.
Introducing liquor into post or camp in violation of standing orders.	Forfeiture of $3; for noncommissioned officer, reduction and forfeiture of $5.
Drunkenness at post or in quarters.	Forfeiture of $3; for noncommissioned officer, reduction and forfeiture of $5.
Drunkenness and disorderly conduct, causing the offender's arrest and conviction by civil authorities at a place within 10 miles of his station.	Forfeiture of $10 and 7 days' confinement at hard labor; for noncommissioned officer, reduction and forfeiture of $12.
Noisy or disorderly conduct in quarters.	Forfeiture of $4; corporal, $7; sergeant, $10.
Abuse by noncommissioned officer of his authority over an inferior.	Reduction, 3 months' confinement at hard labor, and forfeiture of $10 per month for the same period.
Noncommissioned officer encouraging gambling.	Reduction and forfeiture of $5.
Noncommissioned officer making false report.	Reduction, forfeiture of $8, and 10 days' confinement at hard labor.
Sentinel allowing a prisoner under his charge to escape through neglect.	Six months' confinement at hard labor and forfeiture of $10 per month for the same period.

*In specifications to charges of larceny or embezzlement the value of the property shall be stated.

Offenses.	Limit of punishment.
Under sixty-second article of war—continued.	
Sentinel willfully suffering prisoner under his charge to escape.	Dishonorable discharge, forfeiture of all pay and allowances, and 1 year's imprisonment.
Sentinel allowing a prisoner under his charge to obtain liquor.	Two months' confinement at hard labor and forfeiture of $10 per month for the same period.
Sentinel or member of guard drinking liquor with prisoners.	Two months' confinement at hard labor and forfeiture of $10 per month for the same period.
Disrespect or affront to a sentinel..	Two months' confinement at hard labor and forfeiture of $10 per month for the same period; for noncommissioned officer, reduction in addition thereto.
Resisting or disobeying sentinel in lawful execution of his duty.	Six months' confinement at hard labor and forfeiture of $10 per month for the same period; for noncommissioned officer, reduction in addition thereto.
Lewd or indecent exposure of person.	Three months' confinement at hard labor and forfeiture of $10 per month for the same period; for noncommissioned officer, reduction in addition thereto.

III. (1) When a soldier shall be found guilty of an offense cognizable when committed for the first time by an inferior court-martial, his punishment therefor may exceed the prescribed limit by one-half if it shall appear that during his current enlistment and within two years preceding his trial he has been once convicted of one offense or more; it may be doubled if he has been twice so convicted, and it may be increased by one-half of the prescribed limit for every such previous conviction: *Provided*, That upon proof of five or more previous convictions the punishment may be that authorized for a fifth conviction, or dishonorable discharge with forfeiture of all pay and allowances. When found guilty of an offense cognizable only by a general court-martial, and on proof of five or more previous convictions within the two years, dishonorable discharge with forfeiture of all pay and allowances may be added to any confinement at hard labor. And when a noncommissioned officer shall be found guilty of an offense not punishable by reduction, reduction may be added to the punishment if it shall appear that he has been convicted of a military offense within one year and during his current enlistment.

(2) After arriving at the findings a court-martial may be opened to receive evidence of previous convictions. These convictions must be proved by the records of previous trials or by duly authenticated orders promulgating the same, showing the actual offenses of which the soldier was convicted, except in the cases of convictions by summary court, when a duly authenticated copy of the record of said court shall be deemed sufficient proof. Charges forwarded to the authority ordering a general court-martial or submitted to a summary garrison or regimental court must be accompanied by the proper evidence of such previous convictions as may have to be considered in determining upon a sentence. Paragraphs 1017 and 1018 of the Regulations are superseded by this order.

IV. This order prescribes the *maximum* limit of punishment for the offenses named, and this limit is intended for those cases where the severest punishment should be awarded. In other cases the punishment must be graded down according to the extenuating circumstances. Offenses not herein provided for remain punishable as authorized by the Articles of War and the custom of the service.

V. Summary courts are subject to the restrictions named in the eighty-third article of war. Soldiers against whom charges may be preferred for trial by summary court shall not be confined in the guardhouse, but shall be placed in arrest in quarters before and during trial and while awaiting sentence, unless in particular cases restraint may be deemed necessary.

VI. The following substitutions for punishments named in Section II of this order are authorized, at the discretion of the court:

Detention of pay to the extent of four times the amount of the forfeiture; two days' confinement at hard labor for $1 of forfeited pay; one day's solitary confinement on bread and water diet for two days' confinement at hard labor or for $1 of forfeited pay: *Provided*, That a noncommissioned officer not sentenced to reduction shall not be subject to confinement: *And provided*, That solitary confinement shall not exceed fourteen days at one time nor be repeated until fourteen days have elapsed, and shall not exceed eighty-four days in one year. Wherever the limit herein prescribed for an offense or offenses may be brought within the punishing power of inferior courts-martial, as defined by the eighty-third article of war, by substitution of punishment under the provisions of this section, the aforesaid courts shall be deemed to have jurisdiction of such offense or offenses.

VII. Sergeants shall not if they object thereto be brought to trial before regimental, garrison, or summary courts-martial without the authority of the officer competent to order their trial by general court-martial; nor shall sergeants of the post noncommissioned staff be reduced, but they may be dishonorably discharged whenever reduction is included in the limit of punishment. Paragraphs 105 and 254 of the Regulations, the latter as amended by General Orders, No. 67, series of 1890, Adjutant-General's Office, are modified accordingly.

BENJ. HARRISON.

By the President:

REDFIELD PROCTOR, *Secretary of War.*

AMENDMENT OF CIVIL-SERVICE RULES.

MARCH 4, 1891.

Special Departmental Rule No. 1 is hereby amended so as to include among the places excepted from examination therein the following:

In the Department of Agriculture, in the office of the Secretary: Clerk to act as appointment clerk.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

MARCH 16, 1891.

Special Departmental Rule No. 1 is hereby amended so as to include among the places excepted from examination therein the following:

In the Post-Office Department, office of the First Assistant Postmaster-General: Assistant superintenden: of free delivery.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

APRIL 3, 1891.

Special Departmental Rule No. 1 is hereby amended so as to include among the places excepted from examination therein the following:

In the Treasury Department, office of the Secretary: One clerk in the office of the disbursing clerk.

BENJ. HARRISON.

CIVIL SERVICE.—CLASSIFICATION OF INDIAN SERVICE.

DEPARTMENT OF THE INTERIOR,
Washington, April 13, 1891.

By direction of the President of the United States and in accordance with the third clause of section 6 of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883—

It is ordered, That all physicians, school superintendents and assistant superintendents, school-teachers, and matrons in the Indian service be, and they are hereby, arranged in the following classes, without regard to salary or compensation:

Class 1. Physicians.

Class 2. School superintendents and assistant superintendents.

Class 3. School-teachers.

Class 4. Matrons.

Provided, That no person who may be required by law to be appointed to an office by and with the advice and consent of the Senate, and that no person who may be employed merely as a laborer or workman or in connection with any contract schools, shall be considered as within this classification, and no person so employed shall be assigned to the duties of a classified place.

It is further ordered, That no person shall be admitted to any place not excepted from examination by the civil-service rules in any of the classes above designated until he or she shall have passed an appropriate examination under the United States Civil Service Commission and his or her eligibility has been certified to by said Commission or the appropriate board of examiners.

JOHN W. NOBLE, *Secretary.*

EXECUTIVE MANSION, *April 13, 1891.*

The SECRETARY OF THE INTERIOR:

I approve of the within classification, and if you see no reason to suggest any further modification you will please put it in force.

BENJ. HARRISON.

AMENDMENTS OF CIVIL-SERVICE RULES.

APRIL 13, 1891.

Clause (*c*) of section 2 of General Rule III is hereby revoked, and clauses (*d*), (*e*), (*f*), (*g*), and (*h*) are lettered, respectively, (*c*), (*d*), (*e*), (*f*), and (*g*).

BENJ. HARRISON.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

EXECUTIVE MANSION, *May 25, 1891.*

It is hereby ordered, That the several Executive Departments and the Government Printing Office be closed on Saturday, the 30th instant, to enable the employees to participate in the decoration of the graves of the soldiers and sailors who fell in defense of the Union during the War of the Rebellion.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, D. C., July 6, 1891.

To the People of the United States:

The President, with a profound feeling of sorrow, announces the death of Hannibal Hamlin, at one time Vice-President of the United States, who died at Bangor, Me., on the evening of Saturday, July 4.

Few men in this country have filled more important and more distinguished public positions than Mr. Hamlin, and in recognition of his many eminent and varied services and as an expression of the great respect and reverence which are felt for his memory it is ordered that the national flag be displayed at half-mast upon the public buildings of the United States on the day of his funeral.

BENJ. HARRISON.

By the President:
WILLIAM F. WHARTON,
Acting Secretary of State.

AMENDMENTS OF CIVIL-SERVICE RULES.

EXECUTIVE MANSION, *August 6, 1891.*

The civil-service rules are hereby amended as follows:

GENERAL RULE II.

In line 1 strike out the word "four" and insert in lieu thereof the word "five." Add at the end of the rule the following:

5. The classified Indian service.

GENERAL RULE III.

Strike out paragraphs 1 and 2 of section 6 of General Rule III and insert in lieu thereof the following:

So far as practicable and useful, competitive examinations shall be established in the classified civil service to test fitness for promotion, under such regulations as the Commission may make. Until such regulations have been applied to any part of the classified service promotions therein shall be made in the manner prescribed by the rule applicable thereto.

DEPARTMENTAL RULE VI.

Strike out the first sentence of section 6 and transfer the remaining sentence to section 5. Change the numbers of sections 7, 8, 9, and 10 to 6, 7, 8, and 9, respectively.

CUSTOMS RULE III.

Strike out the first sentence of section 5 and transfer the remaining sentence to section 4. Change the numbers of sections 6, 7, 8, and 9 to 5, 6, 7, and 8, respectively.

POSTAL RULE III.

Strike out the first sentence of section 5 and transfer the remaining sentence to section 4. Change the numbers of sections 6, 7, 8, and 9 to 5, 6, 7, and 8, respectively.

RAILWAY MAIL RULE III.

Strike out the first sentence of section 7 and transfer the remaining sentence to section 4. Change the numbers of sections 8, 9, 10, 11, and 12 to 7, 8, 9, 10, and 11, respectively.

RAILWAY MAIL RULE II.

Insert an additional clause to section 5, as follows:

(*f*) Transfer clerks at junction points or stations where not more than two such clerks are employed.

RAILWAY MAIL RULE IV.

Insert an additional proviso at the end of clause (*b*) of section 2, as follows:

Provided further, That on a line on which the service does not require the full time of a clerk, and one can be employed jointly with the railroad company, the appointment may be made without examination and certification, with the consent of the Commission, upon a statement of the facts by the General Superintendent; but no clerk so appointed shall be eligible for transfer or appointment to any other place in the service.

In section 6, line 3, strike out the word "twenty" and insert in lieu thereof the word "ten."

In section 7, line 6, strike out the word "thirty" and insert in lieu thereof the word "sixty;" in the same line strike out the word "to" and insert in lieu thereof the words "in periods of;" in line 7 strike out the words "who have been in the railway mail service."

BENJ. HARRISON.

CIVIL SERVICE.—INDIAN RULES.

INDIAN RULE I.

The classified Indian service shall include all the physicians, school superintendents, assistant superintendents, school-teachers, and matrons in that service, classified under the provisions of section 6 of the act to regulate and improve the civil service of the United States, approved January 16, 1883.

INDIAN RULE II.

1. To test fitness for admission to the classified Indian service examinations of a practical character shall be provided on such subjects as the Commission may direct for physician, superintendent, assistant superintendent, teachers, and matrons.

2. The following age limitations shall apply to applicants for examination for the classified Indian service: For physician, not under 25 years of age nor over 45; for superintendent, not under 25 nor over 50; for assistant superintendent and for teacher, not under 20 nor over 50; for matron, not under 25 nor over 55: *Provided*, That these limitations shall not apply to the wives of superintendents of Indian schools who apply for the position of matron, nor shall the maximum limitations apply to persons allowed preference under section 1754, Revised Statutes, by the Commission.

3. Blank forms of application shall be furnished by the Commission, and the date of reception and also of approval by the Commission of each application shall be noted on the application paper.

INDIAN RULE III.

1. The papers of every examination shall be marked under regulations made by the Commission. Each competitor shall be graded on a scale of 100, according to the general average determined by the markings.

2. Immediately after the general average shall have been ascertained each competitor shall be notified that he has passed or has failed to pass.

3. A competitor who has failed to pass an examination may, with the consent of the Commission, be allowed reexamination at any time within six months from the date of failure without filing a new application; but if he be not allowed reexamination within six months he shall be required to file a new application before being again examined.

4. No eligible shall be allowed reexamination during the period of his eligibility unless he shall furnish satisfactory evidence to the Commission that at the time of his examination, because of illness or other good cause, he was incapable of doing himself justice; and his rating on such reexamination shall cancel and be a substitute for his rating on his former examination.

5. All competitors whose claim to preference under section 1754 of the Revised Statutes have been allowed by the Commission who attain a general average of 65 per cent or over, and all other competitors who attain a general average of 70 per cent or over, shall be eligible for appointment to the place for which they were examined. The names of all the competitors thus rendered eligible shall be entered in the order of grade on the proper register of eligibles.

6. When two or more eligibles are of the same grade, preference in certification shall be determined by the order in which the application papers are filed.

7. For the Indian service there shall be four districts and a separate register of eligibles for each grade of examination for each district, the names of males and females being listed separately on each register. The districts shall be comprised as follows: No. 1, of the States of Michigan, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Montana, and Wyoming; No. 2, of the States of Idaho, Washington, Oregon, Nevada, and that part of California lying north of the thirty-seventh parallel of latitude, and the Territory of Utah; No. 3, of that part of California lying south of the thirty-seventh parallel of latitude, the Territories of Arizona, New Mexico, Oklahoma, the Indian Territory, and the States of Colorado, Kansas, Missouri, Arkansas, Louisiana, and Texas; No. 4, of all the States of the United States not embraced in any of the foregoing districts, together with the District of Columbia. Upon the written request of any eligible his name shall be entered upon the register of any one or more of the districts other than that in which he resides: *Provided*, That he shall state in writing his willingness to accept service wherever assigned in any such district.

8. The period of eligibility to appointment shall be one year from the date on which the name of the eligible is entered on the register unless otherwise determined by regulation of the Commission.

INDIAN RULE IV.

1. All vacancies, unless filled by promotion, transfer, or reappointment, shall be filled in the following manner:

(*a*) The Commissioner of Indian Affairs, through the Secretary of the Interior, shall, in form and manner to be prescribed by the Commission, request the certification to him of male or female eligibles from the district in which the vacancy exists.

(*b*) If fitness for the vacant place is tested by competitive examination, the Commission shall certify from the proper register of the district in which the vacancy exists the names of the three eligibles thereon of the sex called for having the highest averages: *Provided*, That the eligibles upon any register who have been allowed preference under section 1754 of the Revised Statutes shall be certified according to their grade before all other eligibles thereon: *And provided further*, That if the vacancy is in the grade of matron or teacher, and the wife of the superintendent of the school in which the vacancy exists is an eligible, she may be given preference in certification if the appointing officer so requests.

2. Of the three names certified to him the appointing officer shall select one, and if at the time of making this selection there are more vacancies than one he may select more than one: *Provided*, That if the appointing officer to whom certification has been made shall object in writing to any eligible named in the certificate, stating that because of physical incapacity or for other good cause particularly specified such eligible is not capable of properly performing the duties of the vacant place, the Commission may, upon investigation and ascertainment of the fact that the objection made is good and well founded, direct the certification of another eligible in place of the one objected to.

3. Each person thus designated for appointment shall be notified, and upon indicating acceptance shall be appointed for a probationary period—if a physician, for six months, and if a school employee, to expire at the end of the then current school year—at the end of which period, if his conduct and capacity be satisfactory to the appointing officer, he shall receive absolute appointment; but if his conduct and capacity be not satisfactory to said officer he shall be so notified, and this notification shall be his discharge from the service: *Provided*, That any probationer may be discharged during probation for misconduct or evident unfitness or incapacity.

4. The Commissioner of Indian Affairs shall require the officer under whom a probationer may be serving to carefully observe and report in writing upon the services rendered by and the character and qualifications of such probationer as to punctuality, industry, habits, ability, and adaptability. These reports shall be preserved on file, and the Commission may prescribe the form and manner in which they shall be made.

5. In case of the sudden occurrence of a vacancy in any school during a school term which the public interest requires to be immediately filled, the Commissioner of Indian Affairs is authorized, in his discretion, to provide for the temporary filling of the same until a regular appointment can be made under the provisions of sections 1, 2, and 3 of this rule, and when such regular appointment is made the temporary appointment shall terminate. All temporary appointments made under this authority and their termination shall at once be reported to the Commission.

INDIAN RULE V.

Until promotion regulations shall have been applied to the classified Indian service promotions therein may be made upon any test of fitness determined upon by the promoting officer if not disapproved by the Commission: *Provided*, That preference in promotion in any school shall be given to those longest in the service unless there are good reasons to the contrary; and when such reasons prevail they shall, through the proper channels, be reported to the Commission: *And provided further*, That no one shall be promoted to any grade he could not enter by original appointment under the minimum age limitation applied thereto by Indian Rule II, section 2, and that no one shall be promoted to the grade of physician from any other grade.

INDIAN RULE VI.

Subject to the conditions stated in Rule IV, transfers may be made after absolute appointment from one school to another and from one district to another under such regulations as the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may prescribe.

INDIAN RULE VII.

Upon the requisition of the Commissioner of Indian Affairs, through the Secretary of the Interior, the Commission shall certify for reinstatement in a grade or class no higher than that in which he was formerly employed any person who within one year next preceding the date of the requisition has through no delinquency or misconduct been separated from the classified Indian service: *Provided*, That certification may be made, subject to the other conditions of this rule, for the reinstatement of any person who served in the military or naval service of the United States in the late War of the Rebellion and was honorably discharged therefrom, without regard to the length of time he has been separated from the service.

INDIAN RULE VIII.

The Commissioner of Indian Affairs shall report to the Commission—

(*a*) Every probational and every absolute appointment in the classified Indian service.

(*b*) Every refusal to make an absolute appointment and the reason therefor, and every refusal to accept an appointment.

(*c*) Every separation from the classified Indian service and the cause of such separation, whether death, resignation, or dismissal.

(*d*) Every restoration to the classified Indian service.

These rules shall take effect October 1, 1891.

BENJ. HARRISON.

CUBAN GUERILLAS—SPANISH SOLDIERY

CUBAN GUERRILLAS AND SPANISH SOLDIERY

The opening paragraphs of the article, "Spanish-American War," in the encyclopedic index (volume eleven), contain Grant's, Cleveland's and McKinley's views of the Cuban Insurrections which occurred during their administrations. Spain's rule was unquestionably despotic and cruel, even to the extent of destroying what little value Cuba had as a colony; but the ragged hordes of ignorant, mongrel natives who harassed the Spanish soldiery bore no resemblance, either mental or physical, to the farmers who fired the shot that rang around the world at Lexington. They, too, often used the pretext of revolution to cloak brigandage. The group in the upper panel are officers awaiting the arrival of General Garcia, their war-worn old leader, at Siboney.

The conduct of the Spanish soldiers in the war was good. They stood their ground bravely under long-range fire, but retired in confusion whenever hand-to-hand fighting seemed imminent. The intrepid charges of our troops at Las Guasimas and San Juan puzzled them sorely; such methods violated all their notions of civilized warfare. After the affair at Las Guasimas a citizen of Santiago asked one of the participants if the "Yankee pigs" could fight. "Fight!" he exclaimed, with a gesture betokening disgust. "Fight! No! They tried to catch us with their hands."

The article, "Spanish-American War," gives a complete history of the occurrence in brief form. President McKinley's narrative is more detailed, and considers not only the military operations but also the diplomatic and economic questions involved.

AMENDMENT OF CIVIL-SERVICE RULES.

OCTOBER 9, 1891.

General Rule III, clause 6, is hereby amended by striking out the words "under such regulations as the Commission may make" and substituting therefor the following: "under regulations to be approved by the President;" so that as amended the clause will read as follows:

So far as practicable and useful competitive examinations shall be established in the classified civil service to test fitness for promotion under regulations to be approved by the President.

BENJ. HARRISON.

Whereas civil-service rules for the Indian service were approved to take effect October 1, 1891; and

Whereas it is represented to me by the Civil Service Commission in a communication of this date that no persons have as yet been examined for appointment to that service, and that it seems probable that complete arrangements for putting said rules into full effect will not be made sooner than March 1, 1892:

It is therefore ordered, That said Indian rules shall take effect March 1, 1892, instead of October 1, 1891: *Provided*, That said rules shall become operative and take effect in any district of the Indian service as soon as an eligible register for such district shall be provided, if it shall be prior to the date above fixed.

EXECUTIVE MANSION, *October 13, 1891.*

Upon the recommendation of the Commission the foregoing order is approved.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

NOVEMBER 24, 1891.

Special Departmental Rule No. 1 is hereby amended so as to include among the places excepted from examination the following:

In the Department of the Treasury, in the Bureau of Statistics: One confidential clerk to the Chief of the Bureau.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, December 4, 1891.

SIR:* In my message to the first session of the Fifty-first Congress I said:

I have suggested to the heads of the Executive Departments that they consider whether a record might not be kept in each bureau of all those elements that are covered by the terms "faithfulness" and "efficiency," and a rating made showing the relative merits of the clerks of each class, this rating to be regarded as a test of merit in making promotions.

*Addressed to the heads of the Executive Departments.

In some of the Departments this suggestion has been acted upon in part at least, and I now direct that in your Department a plan be at once devised and put in operation for keeping an efficiency record of all persons within the classified service, with a view to placing promotions wholly upon the basis of merit.

It is intended to make provision for carrying into effect the stipulations of the civil-service law in relation to promotions in the classified service. To that end the rule requiring compulsory examination has been rescinded. In my opinion the examination for promotion of those who present themselves should be chiefly, if not wholly, upon their knowledge of the work of the bureau or Department to which they belong and the record of efficiency made by them during their previous service. I think the records of efficiency kept from day to day should be open to the inspection of the clerks.

Very respectfully, yours,

BENJ. HARRISON.

THIRD ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 9, 1891.*

To the Senate and House of Representatives:

The reports of the heads of the several Executive Departments, required by law to be submitted to me, which are herewith transmitted, and the reports of the Secretary of the Treasury and the Attorney-General, made directly to Congress, furnish a comprehensive view of the administrative work of the last fiscal year relating to internal affairs. It would be of great advantage if these reports could have an attentive perusal by every member of Congress and by all who take an interest in public affairs. Such a perusal could not fail to excite a higher appreciation of the vast labor and conscientious effort which are given to the conduct of our civil administration.

The reports will, I believe, show that every question has been approached, considered, and decided from the standpoint of public duty and upon considerations affecting the public interests alone. Again I invite to every branch of the service the attention and scrutiny of Congress.

The work of the State Department during the last year has been characterized by an unusual number of important negotiations and by diplomatic results of a notable and highly beneficial character. Among these are the reciprocal trade arrangements which have been concluded, in the exercise of the powers conferred by section 3 of the tariff law, with the Republic of Brazil, with Spain for its West India possessions, and with Santo Domingo. Like negotiations with other countries have been much

advanced, and it is hoped that before the close of the year further definitive trade arrangements of great value will be concluded.

In view of the reports which had been received as to the diminution of the seal herds in the Bering Sea, I deemed it wise to propose to Her Majesty's Government in February last that an agreement for a closed season should be made pending the negotiations for arbitration, which then seemed to be approaching a favorable conclusion. After much correspondence and delays, for which this Government was not responsible, an agreement was reached and signed on the 15th of June, by which Great Britain undertook from that date and until May 1, 1892, to prohibit the killing by her subjects of seals in the Bering Sea, and the Government of the United States during the same period to enforce its existing prohibition against pelagic sealing and to limit the catch by the fur-seal company upon the islands to 7,500 skins. If this agreement could have been reached earlier in response to the strenuous endeavors of this Government, it would have been more effective; but coming even as late as it did it unquestionably resulted in greatly diminishing the destruction of the seals by the Canadian sealers.

In my last annual message I stated that the basis of arbitration proposed by Her Majesty's Government for the adjustment of the long-pending controversy as to the seal fisheries was not acceptable. I am glad now to be able to announce that terms satisfactory to this Government have been agreed upon and that an agreement as to the arbitrators is all that is necessary to the completion of the convention. In view of the advanced position which this Government has taken upon the subject of international arbitration, this renewed expression of our adherence to this method for the settlement of disputes such as have arisen in the Bering Sea will, I doubt not, meet with the concurrence of Congress.

Provision should be made for a joint demarcation of the frontier line between Canada and the United States wherever required by the increasing border settlements, and especially for the exact location of the water boundary in the straits and rivers.

I should have been glad to announce some favorable disposition of the boundary dispute between Great Britain and Venezuela touching the western frontier of British Guiana, but the friendly efforts of the United States in that direction have thus far been unavailing. This Government will continue to express its concern at any appearance of foreign encroachment on territories long under the administrative control of American States. The determination of a disputed boundary is easily attainable by amicable arbitration where the rights of the respective parties rest, as here, on historic facts readily ascertainable.

The law of the last Congress providing a system of inspection for our meats intended for export, and clothing the President with power to exclude foreign products from our market in case the country sending them should perpetuate unjust discriminations against any product of the

United States, placed this Government in a position to effectively urge the removal of such discriminations against our meats. It is gratifying to be able to state that Germany, Denmark, Italy, Austria, and France, in the order named, have opened their ports to inspected American pork products. The removal of these restrictions in every instance was asked for and given solely upon the ground that we have now provided a meat inspection that should be accepted as adequate to the complete removal of the dangers, real or fancied, which had been previously urged. The State Department, our ministers abroad, and the Secretary of Agriculture have cooperated with unflagging and intelligent zeal for the accomplishment of this great result. The outlines of an agreement have been reached with Germany looking to equitable trade concessions in consideration of the continued free importation of her sugars, but the time has not yet arrived when this correspondence can be submitted to Congress.

The recent political disturbances in the Republic of Brazil have excited regret and solicitude. The information we possessed was too meager to enable us to form a satisfactory judgment of the causes leading to the temporary assumption of supreme power by President Fonseca; but this Government did not fail to express to him its anxious solicitude for the peace of Brazil and for the maintenance of the free political institutions which had recently been established there, nor to offer our advice that great moderation should be observed in the clash of parties and the contest for leadership. These counsels were received in the most friendly spirit, and the latest information is that constitutional government has been reestablished without bloodshed.

The lynching at New Orleans in March last of eleven men of Italian nativity by a mob of citizens was a most deplorable and discreditable incident. It did not, however, have its origin in any general animosity to the Italian people, nor in any disrespect to the Government of Italy, with which our relations were of the most friendly character. The fury of the mob was directed against these men as the supposed participants or accessories in the murder of a city officer. I do not allude to this as mitigating in any degree this offense against law and humanity, but only as affecting the international questions which grew out of it. It was at once represented by the Italian minister that several of those whose lives had been taken by the mob were Italian subjects, and a demand was made for the punishment of the participants and for an indemnity to the families of those who were killed. It is to be regretted that the manner in which these claims were presented was not such as to promote a calm discussion of the questions involved; but this may well be attributed to the excitement and indignation which the crime naturally evoked. The views of this Government as to its obligations to foreigners domiciled here were fully stated in the correspondence, as well as its purpose to make an investigation of the affair with a view to determine whether there were present any circumstances that could under such rules of duty

as we had indicated create an obligation upon the United States. The temporary absence of a minister plenipotentiary of Italy at this capital has retarded the further correspondence, but it is not doubted that a friendly conclusion is attainable.

Some suggestions growing out of this unhappy incident are worthy the attention of Congress. It would, I believe, be entirely competent for Congress to make offenses against the treaty rights of foreigners domiciled in the United States cognizable in the Federal courts. This has not, however, been done, and the Federal officers and courts have no power in such cases to intervene, either for the protection of a foreign citizen or for the punishment of his slayers. It seems to me to follow, in this state of the law, that the officers of the State charged with police and judicial powers in such cases must in the consideration of international questions growing out of such incidents be regarded in such sense as Federal agents as to make this Government answerable for their acts in cases where it would be answerable if the United States had used its constitutional power to define and punish crime against treaty rights.

The civil war in Chile, which began in January last, was continued, but fortunately with infrequent and not important armed collisions, until August 28, when the Congressional forces landed near Valparaiso and after a bloody engagement captured that city. President Balmaceda at once recognized that his cause was lost, and a Provisional Government was speedily established by the victorious party. Our minister was promptly directed to recognize and put himself in communication with this Government so soon as it should have established its *de facto* character, which was done. During the pendency of this civil contest frequent indirect appeals were made to this Government to extend belligerent rights to the insurgents and to give audience to their representatives. This was declined, and that policy was pursued throughout which this Government when wrenched by civil war so strenuously insisted upon on the part of European nations. The *Itata*, an armed vessel commanded by a naval officer of the insurgent fleet, manned by its sailors and with soldiers on board, was seized under process of the United States court at San Diego, Cal., for a violation of our neutrality laws. While in the custody of an officer of the court the vessel was forcibly wrested from his control and put to sea. It would have been inconsistent with the dignity and self-respect of this Government not to have insisted that the *Itata* should be returned to San Diego to abide the judgment of the court. This was so clear to the junta of the Congressional party, established at Iquique, that before the arrival of the *Itata* at that port the secretary of foreign relations of the Provisional Government addressed to Rear-Admiral Brown, commanding the United States naval forces, a communication, from which the following is an extract:

The Provisional Government has learned by the cablegrams of the Associated Press that the transport *Itata*, detained in San Diego by order of the United States for

taking on board munitions of war, and in possession of the marshal, left the port, carrying on board this official, who was landed at a point near the coast, and then continued her voyage. * * * If this news be correct this Government would deplore the conduct of the *Itata*, and as an evidence that it is not disposed to support or agree to the infraction of the laws of the United States the undersigned takes advantage of the personal relations you have been good enough to maintain with him since your arrival in this port to declare to you that as soon as she is within reach of our orders his Government will put the *Itata*, with the arms and munitions she took on board in San Diego, at the disposition of the United States.

A trial in the district court of the United States for the southern district of California has recently resulted in a decision holding, among other things, that inasmuch as the Congressional party had not been recognized as a belligerent the acts done in its interest could not be a violation of our neutrality laws. From this judgment the United States has appealed, not that the condemnation of the vessel is a matter of importance, but that we may know what the present state of our law is; for if this construction of the statute is correct there is obvious necessity for revision and amendment.

During the progress of the war in Chile this Government tendered its good offices to bring about a peaceful adjustment, and it was at one time hoped that a good result might be reached; but in this we were disappointed.

The instructions to our naval officers and to our minister at Santiago from the first to the last of this struggle enjoined upon them the most impartial treatment and absolute noninterference. I am satisfied that these instructions were observed and that our representatives were always watchful to use their influence impartially in the interest of humanity, and on more than one occasion did so effectively. We could not forget, however, that this Government was in diplomatic relations with the then established Government of Chile, as it is now in such relations with the successor of that Government. I am quite sure that President Montt, who has, under circumstances of promise for the peace of Chile, been installed as President of that Republic, will not desire that in the unfortunate event of any revolt against his authority the policy of this Government should be other than that which we have recently observed. No official complaint of the conduct of our minister or of our naval officers during the struggle has been presented to this Government, and it is a matter of regret that so many of our own people should have given ear to unofficial charges and complaints that manifestly had their origin in rival interests and in a wish to pervert the relations of the United States with Chile.

The collapse of the Government of Balmaceda brought about a condition which is unfortunately too familiar in the history of the Central and South American States. With the overthrow of the Balmaceda Government he and many of his councilors and officers became at once fugitives for their lives, and appealed to the commanding officers of the

foreign naval vessels in the harbor of Valparaiso and to the resident foreign ministers at Santiago for asylum. This asylum was freely given, according to my information, by the naval vessels of several foreign powers and by several of the legations at Santiago. The American minister as well as his colleagues, acting upon the impulse of humanity, extended asylum to political refugees whose lives were in peril. I have not been willing to direct the surrender of such of these persons as are still in the American legation without suitable conditions.

It is believed that the Government of Chile is not in a position, in view of the precedents with which it has been connected, to broadly deny the right of asylum, and the correspondence has not thus far presented any such denial. The treatment of our minister for a time was such as to call for a decided protest, and it was very gratifying to observe that unfriendly measures, which were undoubtedly the result of the prevailing excitement, were at once rescinded or suitably relaxed.

On the 16th of October an event occurred in Valparaiso so serious and tragic in its circumstances and results as to very justly excite the indignation of our people and to call for prompt and decided action on the part of this Government. A considerable number of the sailors of the United States steamship *Baltimore*, then in the harbor at Valparaiso, being upon shore leave and unarmed, were assaulted by armed men nearly simultaneously in different localities in the city. One petty officer was killed outright and seven or eight seamen were seriously wounded, one of whom has since died. So savage and brutal was the assault that several of our sailors received more than two and one as many as eighteen stab wounds. An investigation of the affair was promptly made by a board of officers of the *Baltimore*, and their report shows that these assaults were unprovoked, that our men were conducting themselves in a peaceable and orderly manner, and that some of the police of the city took part in the assault and used their weapons with fatal effect, while a few others, with some well-disposed citizens, endeavored to protect our men. Thirty-six of our sailors were arrested, and some of them while being taken to prison were cruelly beaten and maltreated. The fact that they were all discharged, no criminal charge being lodged against any one of them, shows very clearly that they were innocent of any breach of the peace.

So far as I have yet been able to learn no other explanation of this bloody work has been suggested than that it had its origin in hostility to those men as sailors of the United States, wearing the uniform of their Government, and not in any individual act or personal animosity. The attention of the Chilean Government was at once called to this affair, and a statement of the facts obtained by the investigation we had conducted was submitted, accompanied by a request to be advised of any other or qualifying facts in the possession of the Chilean Government that might tend to relieve this affair of the appearance of an insult to this Government. The Chilean Government was also advised that if such qualifying

facts did not exist this Government would confidently expect full and prompt reparation.

It is to be regretted that the reply of the secretary for foreign affairs of the Provisional Government was couched in an offensive tone. To this no response has been made. This Government is now awaiting the result of an investigation which has been conducted by the criminal court at Valparaiso. It is reported unofficially that the investigation is about completed, and it is expected that the result will soon be communicated to this Government, together with some adequate and satisfactory response to the note by which the attention of Chile was called to this incident. If these just expectations should be disappointed or further needless delay intervene, I will by a special message bring this matter again to the attention of Congress for such action as may be necessary. The entire correspondence with the Government of Chile will at an early day be submitted to Congress.

I renew the recommendation of my special message dated January 16, 1890,* for the adoption of the necessary legislation to enable this Government to apply in the case of Sweden and Norway the same rule in respect to the levying of tonnage dues as was claimed and secured to the shipping of the United States in 1828 under Article VIII of the treaty of 1827.

The adjournment of the Senate without action on the pending acts for the suppression of the slave traffic in Africa and for the reform of the revenue tariff of the Independent State of the Kongo left this Government unable to exchange those acts on the date fixed, July 2, 1891. A *modus vivendi* has been concluded by which the power of the Kongo State to levy duties on imports is left unimpaired, and by agreement of all the signatories to the general slave-trade act the time for the exchange of ratifications on the part of the United States has been extended to February 2, 1892.

The late outbreak against foreigners in various parts of the Chinese Empire has been a cause of deep concern in view of the numerous establishments of our citizens in the interior of that country. This Government can do no less than insist upon a continuance of the protective and punitory measures which the Chinese Government has heretofore applied. No effort will be omitted to protect our citizens peaceably sojourning in China, but recent unofficial information indicates that what was at first regarded as an outbreak of mob violence against foreigners has assumed the larger form of an insurrection against public order.

The Chinese Government has declined to receive Mr. Blair as the minister of the United States on the ground that as a participant while a Senator in the enactment of the existing legislation against the introduction of Chinese laborers he has become unfriendly and objectionable to China. I have felt constrained to point out to the Chinese Government

*See pp. 5494–5495.

the untenableness of this position, which seems to rest as much on the unacceptability of our legislation as on that of the person chosen, and which if admitted would practically debar the selection of any representative so long as the existing laws remain in force.

You will be called upon to consider the expediency of making special provision by law for the temporary admission of some Chinese artisans and laborers in connection with the exhibit of Chinese industries at the approaching Columbian Exposition. I regard it as desirable that the Chinese exhibit be facilitated in every proper way.

A question has arisen with the Government of Spain touching the rights of American citizens in the Caroline Islands. Our citizens there long prior to the confirmation of Spain's claim to the islands had secured by settlement and purchase certain rights to the recognition and maintenance of which the faith of Spain was pledged. I have had reason within the past year very strongly to protest against the failure to carry out this pledge on the part of His Majesty's ministers, which has resulted in great injustice and injury to the American residents.

The Government and people of Spain propose to celebrate the four hundredth anniversary of the discovery of America by holding an exposition at Madrid, which will open on the 12th of September and continue until the 31st of December, 1892. A cordial invitation has been extended to the United States to take part in this commemoration, and as Spain was one of the first nations to express the intention to participate in the World's Columbian Exposition at Chicago, it would be very appropriate for this Government to give this invitation its friendly promotion.

Surveys for the connecting links of the projected intercontinental railway are in progress, not only in Mexico, but at various points along the course mapped out. Three surveying parties are now in the field under the direction of the commission. Nearly 1,000 miles of the proposed road have been surveyed, including the most difficult part, that through Ecuador and the southern part of Colombia. The reports of the engineers are very satisfactory, and show that no insurmountable obstacles have been met with.

On November 12, 1884, a treaty was concluded with Mexico reaffirming the boundary between the two countries as described in the treaties of February 2, 1848, and December 30, 1853. March 1, 1889, a further treaty was negotiated to facilitate the carrying out of the principles of the treaty of 1884 and to avoid the difficulties occasioned by reason of the changes and alterations that take place from natural causes in the Rio Grande and Colorado rivers in the portions thereof constituting the boundary line between the two Republics. The International Boundary Commission provided for by the treaty of 1889 to have exclusive jurisdiction of any question that may arise has been named by the Mexican Government. An appropriation is necessary to enable the United States to fulfill its treaty obligations in this respect.

The death of King Kalakaua in the United States afforded occasion to testify our friendship for Hawaii by conveying the King's body to his own land in a naval vessel with all due honors. The Government of his successor, Queen Liliuokolani is seeking to promote closer commercial relations with the United States. Surveys for the much-needed submarine cable from our Pacific coast to Honolulu are in progress, and this enterprise should have the suitable promotion of the two Governments. I strongly recommend that provision be made for improving the harbor of Pearl River and equipping it as a naval station.

The arbitration treaty formulated by the International American Conference lapsed by reason of the failure to exchange ratifications fully within the limit of time provided; but several of the Governments concerned have expressed a desire to save this important result of the conference by an extension of the period. It is, in my judgment, incumbent upon the United States to conserve the influential initiative it has taken in this measure by ratifying the instrument and by advocating the proposed extension of the time for exchange. These views have been made known to the other signatories.

This Government has found occasion to express in a friendly spirit, but with much earnestness, to the Government of the Czar its serious concern because of the harsh measures now being enforced against the Hebrews in Russia. By the revival of antisemitic laws, long in abeyance, great numbers of those unfortunate people have been constrained to abandon their homes and leave the Empire by reason of the impossibility of finding subsistence within the pale to which it is sought to confine them. The immigration of these people to the United States—many other countries being closed to them—is largely increasing and is likely to assume proportions which may make it difficult to find homes and employment for them here and to seriously affect the labor market. It is estimated that over 1,000,000 will be forced from Russia within a few years. The Hebrew is never a beggar; he has always kept the law—life by toil—often under severe and oppressive civil restrictions. It is also true that no race, sect, or class has more fully cared for its own than the Hebrew race. But the sudden transfer of such a multitude under conditions that tend to strip them of their small accumulations and to depress their energies and courage is neither good for them nor for us.

The banishment, whether by direct decree or by not less certain indirect methods, of so large a number of men and women is not a local question. A decree to leave one country is in the nature of things an order to enter another—some other. This consideration, as well as the suggestion of humanity, furnishes ample ground for the remonstrances which we have presented to Russia, while our historic friendship for that Government can not fail to give the assurance that our representations are those of a sincere wellwisher.

The annual report of the Maritime Canal Company of Nicaragua

shows that much costly and necessary preparatory work has been done during the year in the construction of shops, railroad tracks, and harbor piers and breakwaters, and that the work of canal construction has made some progress.

I deem it to be a matter of the highest concern to the United States that this canal, connecting the waters of the Atlantic and Pacific oceans and giving to us a short water communication between our ports upon those two great seas, should be speedily constructed and at the smallest practicable limit of cost. The gain in freights to the people and the direct saving to the Government of the United States in the use of its naval vessels would pay the entire cost of this work within a short series of years. The report of the Secretary of the Navy shows the saving in our naval expenditures which would result.

The Senator from Alabama (Mr. Morgan) in his argument upon this subject before the Senate at the last session did not overestimate the importance of this work when he said that "the canal is the most important subject now connected with the commercial growth and progress of the United States."

If this work is to be promoted by the usual financial methods and without the aid of this Government, the expenditures in its interest-bearing securities and stock will probably be twice the actual cost. This will necessitate higher tolls and constitute a heavy and altogether needless burden upon our commerce and that of the world. Every dollar of the bonds and stock of the company should represent a dollar expended in the legitimate and economical prosecution of the work. This is only possible by giving to the bonds the guaranty of the United States Government. Such a guaranty would secure the ready sale at par of a 3 per cent bond from time to time as the money was needed. I do not doubt that built upon these business methods the canal would when fully inaugurated earn its fixed charges and operating expenses. But if its bonds are to be marketed at heavy discounts and every bond sold is to be accompanied by a gift of stock, as has come to be expected by investors in such enterprises, the traffic will be seriously burdened to pay interest and dividends. I am quite willing to recommend Government promotion in the prosecution of a work which, if no other means offered for securing its completion, is of such transcendent interest that the Government should, in my opinion, secure it by direct appropriations from its Treasury.

A guaranty of the bonds of the canal company to an amount necessary to the completion of the canal could, I think, be so given as not to involve any serious risk of ultimate loss. The things to be carefully guarded are the completion of the work within the limits of the guaranty, the subrogation of the United States to the rights of the first-mortgage bondholders for any amounts it may have to pay, and in the meantime a control of the stock of the company as a security against mismanagement and loss. I

most sincerely hope that neither party nor sectional lines will be drawn upon this great American project, so full of interest to the people of all our States and so influential in its effects upon the prestige and prosperity of our common country.

The island of Navassa, in the West Indian group, has, under the provisions of Title VII of the Revised Statutes, been recognized by the President as appertaining to the United States. It contains guano deposits, is owned by the Navassa Phosphate Company, and is occupied solely by its employees. In September, 1889, a revolt took place among these laborers, resulting in the killing of some of the agents of the company, caused, as the laborers claimed, by cruel treatment. These men were arrested and tried in the United States court at Baltimore, under section 5576 of the statute referred to, as if the offenses had been committed on board a merchant vessel of the United States on the high seas. There appeared on the trial and otherwise came to me such evidences of the bad treatment of the men that in consideration of this and of the fact that the men had no access to any public officer or tribunal for protection or the redress of their wrongs I commuted the death sentences that had been passed by the court upon three of them. In April last my attention was again called to this island and to the unregulated condition of things there by a letter from a colored laborer, who complained that he was wrongfully detained upon the island by the phosphate company after the expiration of his contract of service. A naval vessel was sent to examine into the case of this man and generally into the condition of things on the island. It was found that the laborer referred to had been detained beyond the contract limit and that a condition of revolt again existed among the laborers. A board of naval officers reported, among other things, as follows:

> We would desire to state further that the discipline maintained on the island seems to be that of a convict establishment without its comforts and cleanliness, and that until more attention is paid to the shipping of laborers by placing it under Government supervision to prevent misunderstanding and misrepresentation, and until some amelioration is shown in the treatment of the laborers, these disorders will be of constant occurrence.

I recommend legislation that shall place labor contracts upon this and other islands having the relation that Navassa has to the United States under the supervision of a court commissioner, and that shall provide at the expense of the owners an officer to reside upon the island, with power to judge and adjust disputes and to enforce a just and humane treatment of the employees. It is inexcusable that American laborers should be left within our own jurisdiction without access to any Government officer or tribunal for their protection and the redress of their wrongs.

International copyright has been secured, in accordance with the conditions of the act of March 3, 1891, with Belgium, France, Great Britain and the British possessions, and Switzerland, the laws of those countries

permitting to our citizens the benefit of copyright on substantially the same basis as to their own citizens or subjects.

With Germany a special convention has been negotiated upon this subject which will bring that country within the reciprocal benefits of our legislation.

The general interest in the operations of the Treasury Department has been much augmented during the last year by reason of the conflicting predictions, which accompanied and followed the tariff and other legislation of the last Congress affecting the revenues, as to the results of this legislation upon the Treasury and upon the country. On the one hand it was contended that imports would so fall off as to leave the Treasury bankrupt and that the prices of articles entering into the living of the people would be so enhanced as to disastrously affect their comfort and happiness, while on the other it was argued that the loss to the revenue, largely the result of placing sugar on the free list, would be a direct gain to the people; that the prices of the necessaries of life, including those most highly protected, would not be enhanced; that labor would have a larger market and the products of the farm advanced prices, while the Treasury surplus and receipts would be adequate to meet the appropriations, including the large exceptional expenditures for the refunding to the States of the direct tax and the redemption of the 4½ per cent bonds.

It is not my purpose to enter at any length into a discussion of the effects of the legislation to which I have referred; but a brief examination of the statistics of the Treasury and a general glance at the state of business throughout the country will, I think, satisfy any impartial inquirer that its results have disappointed the evil prophecies of its opponents and in a large measure realized the hopeful predictions of its friends. Rarely, if ever before, in the history of the country has there been a time when the proceeds of one day's labor or the product of one farmed acre would purchase so large an amount of those things that enter into the living of the masses of the people. I believe that a full test will develop the fact that the tariff act of the Fifty-first Congress is very favorable in its average effect upon the prices of articles entering into common use.

During the twelve months from October 1, 1890, to September 30, 1891, the total value of our foreign commerce (imports and exports combined) was $1,747,806,406, which was the largest of any year in the history of the United States. The largest in any previous year was in 1890, when our commerce amounted to $1,647,139,093, and the last year exceeds this enormous aggregate by over one hundred millions. It is interesting, and to some will be surprising, to know that during the year ending September 30, 1891, our imports of merchandise amounted to $824,715,270, which was an increase of more than $11,000,000 over the value of the imports of the corresponding months of the preceding year, when the imports of merchandise were unusually large in anticipation of the tariff

legislation then pending. The average annual value of the imports of merchandise for the ten years from 1881 to 1890 was $692,186,522, and during the year ending September 30, 1891, this annual average was exceeded by $132,528,469.

The value of free imports during the twelve months ending September 30, 1891, was $118,092,387 more than the value of free imports during the corresponding twelve months of the preceding year, and there was during the same period a decrease of $106,846,508 in the value of imports of dutiable merchandise. The percentage of merchandise admitted free of duty during the year to which I have referred, the first under the new tariff, was 48.18, while during the preceding twelve months, under the old tariff, the percentage was 34.27, an increase of 13.91 per cent. If we take the six months ending September 30 last, which covers the time during which sugars have been admitted free of duty, the per cent of value of merchandise imported free of duty is found to be 55.37, which is a larger percentage of free imports than during any prior fiscal year in the history of the Government.

If we turn to exports of merchandise, the statistics are full of gratification. The value of such exports of merchandise for the twelve months ending September 30, 1891, was $923,091,136, while for the corresponding previous twelve months it was $860,177,115, an increase of $62,914,021, which is nearly three times the average annual increase of exports of merchandise for the preceding twenty years. This exceeds in amount and value the exports of merchandise during any year in the history of the Government. The increase in the value of exports of agricultural products during the year referred to over the corresponding twelve months of the prior year was $45,846,197, while the increase in the value of exports of manufactured products was $16,838,240.

There is certainly nothing in the condition of trade, foreign or domestic, there is certainly nothing in the condition of our people of any class, to suggest that the existing tariff and revenue legislation bears oppressively upon the people or retards the commercial development of the nation. It may be argued that our condition would be better if tariff legislation were upon a free-trade basis; but it can not be denied that all the conditions of prosperity and of general contentment are present in a larger degree than ever before in our history, and that, too, just when it was prophesied they would be in the worst state. Agitation for radical changes in tariff and financial legislation can not help but may seriously impede business, to the prosperity of which some degree of stability in legislation is essential.

I think there are conclusive evidences that the new tariff has created several great industries, which will within a few years give employment to several hundred thousand American working men and women. In view of the somewhat overcrowded condition of the labor market of the United States, every patriotic citizen should rejoice at such a result.

The report of the Secretary of the Treasury shows that the total receipts of the Government from all sources for the fiscal year ending June 30, 1891, were $458,544,233.03, while the expenditures for the same period were $421,304,470.46, leaving a surplus of $37,239,762.57.

The receipts of the fiscal year ending June 30, 1892, actual and estimated, are $433,000,000 and the expenditures $409,000,000. For the fiscal year ending June 30, 1893, the estimated receipts are $455,336,350 and the expenditures $441,300,093.

Under the law of July 14, 1890, the Secretary of the Treasury has purchased (since August 13) during the fiscal year 48,393,113 ounces of silver bullion at an average cost of $1.045 per ounce. The highest price paid during the year was $1.2025 and the lowest $0.9636. In exchange for this silver bullion there have been issued $50,577,498 of the Treasury notes authorized by the act. The lowest price of silver reached during the fiscal year was $0.9636 on April 22, 1891; but on November 1 the market price was only $0.96, which would give to the silver dollar a bullion value of 74¼ cents.

Before the influence of the prospective silver legislation was felt in the market silver was worth in New York about $0.955 per ounce. The ablest advocates of free coinage in the last Congress were most confident in their predictions that the purchases by the Government required by the law would at once bring the price of silver to $1.2929 per ounce, which would make the bullion value of a dollar 100 cents and hold it there. The prophecies of the antisilver men of disasters to result from the coinage of $2,000,000 per month were not wider of the mark. The friends of free silver are not agreed, I think, as to the causes that brought their hopeful predictions to naught. Some facts are known. The exports of silver from London to India during the first nine months of this calendar year fell off over 50 per cent, or $17,202,730, compared with the same months of the preceding year. The exports of domestic silver bullion from this country, which had averaged for the last ten years over $17,000,000, fell in the last fiscal year to $13,797,391, while for the first time in recent years the imports of silver into this country exceeded the exports by the sum of $2,745,365. In the previous year the net exports of silver from the United States amounted to $8,545,455. The production of the United States increased from 50,000,000 ounces in 1889 to 54,500,000 in 1890. The Government is now buying and putting aside annually 54,000,000 ounces, which, allowing for 7,140,000 ounces of new bullion used in the arts, is 6,640,000 more than our domestic products available for coinage.

I hope the depression in the price of silver is temporary and that a further trial of this legislation will more favorably affect it. That the increased volume of currency thus supplied for the use of the people was needed and that beneficial results upon trade and prices have followed this legislation I think must be very clear to everyone. Nor should it

be forgotten that for every dollar of these notes issued a full dollar's worth of silver bullion is at the time deposited in the Treasury as a security for its redemption. Upon this subject, as upon the tariff, my recommendation is that the existing laws be given a full trial and that our business interests be spared the distressing influence which threats of radical changes always impart. Under existing legislation it is in the power of the Treasury Department to maintain that essential condition of national finance as well as of commercial prosperity—the parity in use of the coined dollars and their paper representatives. The assurance that these powers would be freely and unhesitatingly used has done much to produce and sustain the present favorable business conditions.

I am still of the opinion that the free coinage of silver under existing conditions would disastrously affect our business interests at home and abroad. We could not hope to maintain an equality in the purchasing power of the gold and silver dollar in our own markets, and in foreign trade the stamp gives no added value to the bullion contained in coins. The producers of the country, its farmers and laborers, have the highest interest that every dollar, paper or coin, issued by the Government shall be as good as any other. If there is one less valuable than another, its sure and constant errand will be to pay them for their toil and for their crops. The money lender will protect himself by stipulating for payment in gold, but the laborer has never been able to do that. To place business upon a silver basis would mean a sudden and severe contraction of the currency by the withdrawal of gold and gold notes and such an unsettling of all values as would produce a commercial panic. I can not believe that a people so strong and prosperous as ours will promote such a policy.

The producers of silver are entitled to just consideration, but they should not forget that the Government is now buying and putting out of the market what is the equivalent of the entire product of our silver mines. This is more than they themselves thought of asking two years ago. I believe it is the earnest desire of a great majority of the people, as it is mine, that a full coin use shall be made of silver just as soon as the cooperation of other nations can be secured and a ratio fixed that will give circulation equally to gold and silver. The business of the world requires the use of both metals; but I do not see any prospect of gain, but much of loss, by giving up the present system, in which a full use is made of gold and a large use of silver, for one in which silver alone will circulate. Such an event would be at once fatal to the further progress of the silver movement. Bimetallism is the desired end, and the true friends of silver will be careful not to overrun the goal and bring in silver monometallism with its necessary attendants—the loss of our gold to Europe and the relief of the pressure there for a larger currency. I have endeavored by the use of official and unofficial agencies to keep a close observation of the state of public sentiment in Europe upon this

question and have not found it to be such as to justify me in proposing an international conference. There is, however, I am sure, a growing sentiment in Europe in favor of a larger use of silver, and I know of no more effectual way of promoting this sentiment than by accumulating gold here. A scarcity of gold in the European reserves will be the most persuasive argument for the use of silver.

The exports of gold to Europe, which began in February last and continued until the close of July, aggregated over $70,000,000. The net loss of gold during the fiscal year was nearly $68,000,000. That no serious monetary disturbance resulted was most gratifying and gave to Europe fresh evidence of the strength and stability of our financial institutions. With the movement of crops the outflow of gold was speedily stopped and a return set in. Up to December 1 we had recovered of our gold lost at the port of New York $27,854,000, and it is confidently believed that during the winter and spring this aggregate will be steadily and largely increased.

The presence of a large cash surplus in the Treasury has for many years been the subject of much unfavorable criticism, and has furnished an argument to those who have desired to place the tariff upon a purely revenue basis. It was agreed by all that the withdrawal from circulation of so large an amount of money was an embarrassment to the business of the country and made necessary the intervention of the Department at frequent intervals to relieve threatened monetary panics. The surplus on March 1, 1889, was $183,827,190.29. The policy of applying this surplus to the redemption of the interest-bearing securities of the United States was thought to be preferable to that of depositing it without interest in selected national banks. There have been redeemed since the date last mentioned of interest-bearing securities $259,079,350, resulting in a reduction of the annual interest charge of $11,684,675. The money which had been deposited in banks without interest has been gradually withdrawn and used in the redemption of bonds.

The result of this policy, of the silver legislation, and of the refunding of the 4½ per cent bonds has been a large increase of the money in circulation. At the date last named the circulation was $1,404,205,896, or $23.03 per capita, while on the 1st day of December, 1891, it had increased to $1,577,262,070, or $24.38 per capita. The offer of the Secretary of the Treasury to the holders of the 4½ per cent bonds to extend the time of redemption, at the option of the Government, at an interest of 2 per cent, was accepted by the holders of about one-half the amount, and the unextended bonds are being redeemed on presentation.

The report of the Secretary of War exhibits the results of an intelligent, progressive, and businesslike administration of a Department which has been too much regarded as one of mere routine. The separation of Secretary Proctor from the Department by reason of his appointment as a Senator from the State of Vermont is a source of great regret

to me and to his colleagues in the Cabinet, as I am sure it will be to all those who have had business with the Department while under his charge.

In the administration of army affairs some especially good work has been accomplished. The efforts of the Secretary to reduce the percentage of desertions by removing the causes that promoted it have been so successful as to enable him to report for the last year a lower percentage of desertion than has been before reached in the history of the Army. The resulting money saving is considerable, but the improvement in the morale of the enlisted men is the most valuable incident of the reforms which have brought about this result.

The work of securing sites for shore batteries for harbor defense and the manufacture of mortars and guns of high power to equip them have made good progress during the year. The preliminary work of tests and plans which so long delayed a start is now out of the way. Some guns have been completed, and with an enlarged shop and a more complete equipment at Watervliet the Army will soon be abreast of the Navy in gun construction. Whatever unavoidable causes of delay may arise, there should be none from delayed or insufficient appropriations. We shall be greatly embarrassed in the proper distribution and use of naval vessels until adequate shore defenses are provided for our harbors.

I concur in the recommendation of the Secretary that the three-battalion organization be adopted for the infantry. The adoption of a smokeless powder and of a modern rifle equal in range, precision, and rapidity of fire to the best now in use will, I hope, not be longer delayed.

The project of enlisting Indians and organizing them into separate companies upon the same basis as other soldiers was made the subject of very careful study by the Secretary and received my approval. Seven companies have been completely organized and seven more are in process of organization. The results of six months' training have more than realized the highest anticipations. The men are readily brought under discipline, acquire the drill with facility, and show great pride in the right discharge of their duty and perfect loyalty to their officers, who declare that they would take them into action with confidence. The discipline, order, and cleanliness of the military posts will have a wholesome and elevating influence upon the men enlisted, and through them upon their tribes, while a friendly feeling for the whites and a greater respect for the Government will certainly be promoted.

The great work done in the Record and Pension Division of the War Department by Major Ainsworth, of the Medical Corps, and the clerks under him is entitled to honorable mention. Taking up the work with nearly 41,000 cases behind, he closed the last fiscal year without a single case left over, though the new cases had increased 52 per cent in number over the previous year by reason of the pension legislation of the last Congress.

I concur in the recommendation of the Attorney-General that the right in felony cases to a review by the Supreme Court be limited It would seem that personal liberty would have a safe guaranty if the right of review in cases involving only fine and imprisonment were limited to the circuit court of appeals, unless a constitutional question should in some way be involved.

The judges of the Court of Private Land Claims, provided for by the act of March 3, 1891, have been appointed and the court organized. It is now possible to give early relief to communities long repressed in their development by unsettled land titles and to establish the possession and right of settlers whose lands have been rendered valueless by adverse and unfounded claims.

The act of July 9, 1888, provided for the incorporation and management of a reform school for girls in the District of Columbia; but it has remained inoperative for the reason that no appropriation has been made for construction or maintenance. The need of such an institution is very urgent. Many girls could be saved from depraved lives by the wholesome influences and restraints of such a school. I recommend that the necessary appropriation be made for a site and for construction.

The enforcement by the Treasury Department of the law prohibiting the coming of Chinese to the United States has been effective as to such as seek to land from vessels entering our ports. The result has been to divert the travel to vessels entering the ports of British Columbia, whence passage into the United States at obscure points along the Dominion boundary is easy. A very considerable number of Chinese laborers have during the past year entered the United States from Canada and Mexico.

The officers of the Treasury Department and of the Department of Justice have used every means at their command to intercept this immigration; but the impossibility of perfectly guarding our extended frontier is apparent. The Dominion government collects a head tax of $50 from every Chinaman entering Canada, and thus derives a considerable revenue from those who only use its ports to reach a position of advantage to evade our exclusion laws. There seems to be satisfactory evidence that the business of passing Chinamen through Canada to the United States is organized and quite active. The Department of Justice has construed the laws to require the return of any Chinaman found to be unlawfully in this country to China as the country from which he came, notwithstanding the fact that he came by way of Canada; but several of the district courts have in cases brought before them overruled this view of the law and decided that such persons must be returned to Canada. This construction robs the law of all effectiveness, even if the decrees could be executed, for the men returned can the next day recross our border. But the only appropriation made is for sending them back to China, and the Canadian officials refuse to allow them to reenter

Canada without the payment of the fifty-dollar head tax. I recommend such legislation as will remedy these defects in the law.

In previous messages I have called the attention of Congress to the necessity of so extending the jurisdiction of the United States courts as to make triable therein any felony committed while in the act of violating a law of the United States. These courts can not have that independence and effectiveness which the Constitution contemplates so long as the felonious killing of court officers, jurors, and witnesses in the discharge of their duties or by reason of their acts as such is only cognizable in the State courts. The work done by the Attorney-General and the officers of his Department, even under the present inadequate legislation, has produced some notable results in the interest of law and order.

The Attorney-General and also the Commissioners of the District of Columbia call attention to the defectiveness and inadequacy of the laws relating to crimes against chastity in the District of Columbia. A stringent code upon this subject has been provided by Congress for Utah, and it is a matter of surprise that the needs of this District should have been so long overlooked.

In the report of the Postmaster-General some very gratifying results are exhibited and many betterments of the service suggested. A perusal of the report gives abundant evidence that the supervision and direction of the postal system have been characterized by an intelligent and conscientious desire to improve the service. The revenues of the Department show an increase of over $5,000,000, with a deficiency for the year 1892 of less than $4,000,000, while the estimate for the year 1893 shows a surplus of receipts over expenditures.

Ocean mail post-offices have been established upon the steamers of the North German Lloyd and Hamburg lines, saving by the distribution on shipboard from two to fourteen hours' time in the delivery of mail at the port of entry and often much more than this in the delivery at interior places. So thoroughly has this system, initiated by Germany and the United States, evidenced its usefulness that it can not be long before it is installed upon all the great ocean mail-carrying steamships.

Eight thousand miles of new postal service has been established upon railroads, the car distribution to substations in the great cities has been increased about 12 per cent, while the percentage of errors in distribution has during the past year been reduced over one-half. An appropriation was given by the last Congress for the purpose of making some experiments in free delivery in the smaller cities and towns. The results of these experiments have been so satisfactory that the Postmaster-General recommends, and I concur in the recommendation, that the free-delivery system be at once extended to towns of 5,000 population. His discussion of the inadequate facilities extended under our present system to rural communities and his suggestions with a view to give these communities

a fuller participation in the benefits of the postal service are worthy of your careful consideration. It is not just that the farmer, who receives his mail at a neighboring town, should not only be compelled to send to the post-office for it, but to pay a considerable rent for a box in which to place it or to wait his turn at a general-delivery window, while the city resident has his mail brought to his door. It is stated that over 54,000 neighborhoods are under the present system receiving mail at post-offices where money orders and postal notes are not issued. The extension of this system to these communities is especially desirable, as the patrons of such offices are not possessed of the other facilities offered in more populous communities for the transmission of small sums of money.

I have in a message to the preceding Congress expressed my views as to a modified use of the telegraph in connection with the postal service.* In pursuance of the ocean mail law of March 3, 1891, and after a most careful study of the whole subject and frequent conferences with ship-owners, boards of trade, and others, advertisements were issued by the Postmaster-General for 53 lines of ocean mail service—10 to Great Britain and the Continent, 27 to South America, 3 to China and Japan, 4 to Australia and the Pacific islands, 7 to the West Indies, and 2 to Mexico. It was not, of course, expected that bids for all these lines would be received or that service upon them all would be contracted for. It was intended, in furtherance of the act, to secure as many new lines as possible, while including in the list most or all of the foreign lines now occupied by American ships. It was hoped that a line to England and perhaps one to the Continent would be secured; but the outlay required to equip such lines wholly with new ships of the first class and the difficulty of establishing new lines in competition with those already established deterred bidders whose interest had been enlisted. It is hoped that a way may yet be found of overcoming these difficulties.

The Brazil Steamship Company, by reason of a miscalculation as to the speed of its vessels, was not able to bid under the terms of the advertisement. The policy of the Department was to secure from the established lines an improved service as a condition of giving to them the benefits of the law. This in all instances has been attained. The Postmaster-General estimates that an expenditure in American shipyards of about $10,000,000 will be necessary to enable the bidders to construct the ships called for by the service which they have accepted. I do not think there is any reason for discouragement or for any turning back from the policy of this legislation. Indeed, a good beginning has been made, and as the subject is further considered and understood by capitalists and shipping people new lines will be ready to meet future proposals, and we may date from the passage of this law the revival of American shipping interests and the recovery of a fair share of the carrying trade of the world. We were receiving for foreign postage nearly $2,000,000 under the old

*See p. 5562.

system, and the outlay for ocean mail service did not exceed $600,000 per annum. It is estimated by the Postmaster-General that if all the contracts proposed are completed it will require $247,354 for this year in addition to the appropriation for sea and inland postage already in the estimates, and that for the next fiscal year, ending June 30, 1893, there would probably be needed about $560,000.

The report of the Secretary of the Navy shows a gratifying increase of new naval vessels in commission. The *Newark*, *Concord*, *Bennington*, and *Miantonomoh* have been added during the year, with an aggregate of something more than 11,000 tons. Twenty-four warships of all classes are now under construction in the navy-yards and private shops; but while the work upon them is going forward satisfactorily, the completion of the more important vessels will yet require about a year's time. Some of the vessels now under construction, it is believed, will be triumphs of naval engineering. When it is recollected that the work of building a modern navy was only initiated in the year 1883, that our naval constructors and shipbuilders were practically without experience in the construction of large iron or steel ships, that our engine shops were unfamiliar with great marine engines, and that the manufacture of steel forgings for guns and plates was almost wholly a foreign industry, the progress that has been made is not only highly satisfactory, but furnishes the assurance that the United States will before long attain in the construction of such vessels, with their engines and armaments, the same preeminence which it attained when the best instrument of ocean commerce was the clipper ship and the most impressive exhibit of naval power the old wooden three-decker man-of-war. The officers of the Navy and the proprietors and engineers of our great private shops have responded with wonderful intelligence and professional zeal to the confidence expressed by Congress in its liberal legislation. We have now at Washington a gun shop, organized and conducted by naval officers, that in its system, economy, and product is unexcelled. Experiments with armor plate have been conducted during the year with most important results. It is now believed that a plate of higher resisting power than any in use has been found and that the tests have demonstrated that cheaper methods of manufacture than those heretofore thought necessary can be used.

I commend to your favorable consideration the recommendations of the Secretary, who has, I am sure, given to them the most conscientious study. There should be no hesitation in promptly completing a navy of the best modern type large enough to enable this country to display its flag in all seas for the protection of its citizens and of its extending commerce. The world needs no assurance of the peaceful purposes of the United States, but we shall probably be in the future more largely a competitor in the commerce of the world, and it is essential to the dignity of this nation and to that peaceful influence which it should exercise on

this hemisphere that its Navy should be adequate both upon the shores of the Atlantic and of the Pacific.

The report of the Secretary of the Interior shows that a very gratifying progress has been made in all of the bureaus which make up that complex and difficult Department.

The work in the Bureau of Indian Affairs was perhaps never so large as now, by reason of the numerous negotiations which have been proceeding with the tribes for a reduction of the reservations, with the incident labor of making allotments, and was never more carefully conducted. The provision of adequate school facilities for Indian children and the locating of adult Indians upon farms involve the solution of the "Indian question." Everything else—rations, annuities, and tribal negotiations, with the agents, inspectors, and commissioners who distribute and conduct them—must pass away when the Indian has become a citizen, secure in the individual ownership of a farm from which he derives his subsistence by his own labor, protected by and subordinate to the laws which govern the white man, and provided by the General Government or by the local communities in which he lives with the means of educating his children. When an Indian becomes a citizen in an organized State or Territory, his relation to the General Government ceases in great measure to be that of a ward; but the General Government ought not at once to put upon the State or Territory the burden of the education of his children.

It has been my thought that the Government schools and school buildings upon the reservations would be absorbed by the school systems of the States and Territories; but as it has been found necessary to protect the Indian against the compulsory alienation of his land by exempting him from taxation for a period of twenty-five years, it would seem to be right that the General Government, certainly where there are tribal funds in its possession, should pay to the school fund of the State what would be equivalent to the local school tax upon the property of the Indian. It will be noticed from the report of the Commissioner of Indian Affairs that already some contracts have been made with district schools for the education of Indian children. There is great advantage, I think, in bringing the Indian children into mixed schools. This process will be gradual, and in the meantime the present educational provisions and arrangements, the result of the best experience of those who have been charged with this work, should be continued. This will enable those religious bodies that have undertaken the work of Indian education with so much zeal and with results so restraining and beneficent to place their institutions in new and useful relations to the Indian and to his white neighbors.

The outbreak among the Sioux which occurred in December last is as to its causes and incidents fully reported upon by the War Department and the Department of the Interior. That these Indians had some just

complaints, especially in the matter of the reduction of the appropriation for rations and in the delays attending the enactment of laws to enable the Department to perform the engagements entered into with them, is probably true; but the Sioux tribes are naturally warlike and turbulent, and their warriors were excited by their medicine men and chiefs, who preached the coming of an Indian messiah who was to give them power to destroy their enemies. In view of the alarm that prevailed among the white settlers near the reservation and of the fatal consequences that would have resulted from an Indian incursion, I placed at the disposal of General Miles, commanding the Division of the Missouri, all such forces as were thought by him to be required. He is entitled to the credit of having given thorough protection to the settlers and of bringing the hostiles into subjection with the least possible loss of life.

The appropriation of $2,991,450 for the Choctaws and Chickasaws contained in the general Indian appropriation bill of March 3, 1891, has not been expended, for the reason that I have not yet approved a release (to the Government) of the Indian claim to the lands mentioned. This matter will be made the subject of a special message, placing before Congress all the facts which have come to my knowledge.

The relation of the Five Civilized Tribes now occupying the Indian Territory to the United States is not, I believe, that best calculated to promote the highest advancement of these Indians. That there should be within our borders five independent states having no relations, except those growing out of treaties, with the Government of the United States, no representation in the National Legislature, its people not citizens, is a startling anomaly.

It seems to me to be inevitable that there shall be before long some organic changes in the relation of these people to the United States. What form these changes should take I do not think it desirable now to suggest, even if they were well defined in my own mind. They should certainly involve the acceptance of citizenship by the Indians and a representation in Congress. These Indians should have opportunity to present their claims and grievances upon the floor rather than, as now, in the lobby. If a commission could be appointed to visit these tribes to confer with them in a friendly spirit upon this whole subject, even if no agreement were presently reached the feeling of the tribes upon this question would be developed, and discussion would prepare the way for changes which must come sooner or later.

The good work of reducing the larger Indian reservations by allotments in severalty to the Indians and the cession of the remaining lands to the United States for disposition under the homestead law has been prosecuted during the year with energy and success. In September last I was enabled to open to settlement in the Territory of Oklahoma 900,000 acres of land, all of which was taken up by settlers in a single

day. The rush for these lands was accompanied by a great deal of excitement, but was happily free from incidents of violence.

It was a source of great regret that I was not able to open at the same time the surplus lands of the Cheyenne and Arapahoe Reservation, amounting to about 3,000,000 acres, by reason of the insufficiency of the appropriation for making the allotments. Deserving and impatient settlers are waiting to occupy these lands, and I urgently recommend that a special deficiency appropriation be promptly made of the small amount needed, so that the allotments may be completed and the surplus lands opened in time to permit the settlers to get upon their homesteads in the early spring.

During the past summer the Cherokee Commission have completed arrangements with the Wichita, Kickapoo, and Tonkawa tribes whereby, if the agreements are ratified by Congress, over 800,000 additional acres will be opened to settlement in Oklahoma.

The negotiations for the release by the Cherokees of their claim to the Cherokee Strip have made no substantial progress so far as the Department is officially advised, but it is still hoped that the cession of this large and valuable tract may be secured. The price which the commission was authorized to offer—$1.25 per acre—is, in my judgment, when all the circumstances as to title and the character of the lands are considered, a fair and adequate one, and should have been accepted by the Indians.

Since March 4, 1889, about 23,000,000 acres have been separated from Indian reservations and added to the public domain for the use of those who desired to secure free homes under our beneficent laws. It is difficult to estimate the increase of wealth which will result from the conversion of these waste lands into farms, but it is more difficult to estimate the betterment which will result to the families that have found renewed hope and courage in the ownership of a home and the assurance of a comfortable subsistence under free and healthful conditions. It is also gratifying to be able to feel, as we may, that this work has proceeded upon lines of justice toward the Indian, and that he may now, if he will, secure to himself the good influences of a settled habitation, the fruits of industry, and the security of citizenship.

Early in this Administration a special effort was begun to bring up the work of the General Land Office. By faithful work the arrearages have been rapidly reduced. At the end of the last fiscal year only 84,172 final agricultural entries remained undisposed of, and the Commissioner reports that with the present force the work can be fully brought up by the end of the next fiscal year.

Your attention is called to the difficulty presented by the Secretary of the Interior as to the administration of the law of March 3, 1891, establishing a Court of Private Land Claims. The small holdings intended to be protected by the law are estimated to be more than 15,000 in

number. The claimants are a most deserving class and their titles are supported by the strongest equities. The difficulty grows out of the fact that the lands have largely been surveyed according to our methods, while the holdings, many of which have been in the same family for generations, are laid out in narrow strips a few rods wide upon a stream and running back to the hills for pasturage and timber. Provision should be made for numbering these tracts as lots and for patenting them by such numbers and without reference to section lines.

The administration of the Pension Bureau has been characterized during the year by great diligence. The total number of pensioners upon the roll on the 30th day of June, 1891, was 676,160. There were allowed during the fiscal year ending at that time 250,565 cases. Of this number 102,387 were allowed under the law of June 27, 1890. The issuing of certificates has been proceeding at the rate of about 30,000 per month, about 75 per cent of these being cases under the new law. The Commissioner expresses the opinion that he will be able to carefully adjudicate and allow 350,000 claims during the present fiscal year. The appropriation for the payment of pensions for the fiscal year 1890–91 was $127,685,793.89 and the amount expended $118,530,649.25, leaving an unexpended surplus of $9,155,144.64.

The Commissioner is quite confident that there will be no call this year for a deficiency appropriation, notwithstanding the rapidity with which the work is being pushed. The mistake which has been made by many in their exaggerated estimates of the cost of pensions is in not taking account of the diminished value of first payments under the recent legislation. These payments under the general law have been for many years very large, as the pensions when allowed dated from the time of filing the claim, and most of these claims had been pending for years. The first payments under the law of June, 1890, are relatively small, and as the per cent of these cases increases and that of the old cases diminishes the annual aggregate of first payments is largely reduced. The Commissioner, under date of November 13, furnishes me with the statement that during the last four months 113,175 certificates were issued, 27,893 under the general law and 85,282 under the act of June 27, 1890. The average first payment during these four months was $131.85, while the average first payment upon cases allowed during the year ending June 30, 1891, was $239.33, being a reduction in the average first payments during these four months of $107.48.

The estimate for pension expenditures for the fiscal year ending June 30, 1893, is $144,956,000, which, after a careful examination of the subject, the Commissioner is of the opinion will be sufficient. While these disbursements to the disabled soldiers of the great Civil War are large, they do not realize the exaggerated estimates of those who oppose this beneficent legislation. The Secretary of the Interior shows with great fullness the care that is taken to exclude fraudulent claims, and also the

gratifying fact that the persons to whom these pensions are going are men who rendered not slight but substantial war service.

The report of the Commissioner of Railroads shows that the total debt of the subsidized railroads to the United States was on December 31, 1890, $112,512,613.06. A large part of this debt is now fast approaching maturity, with no adequate provision for its payment. Some policy for dealing with this debt with a view to its ultimate collection should be at once adopted. It is very difficult, well-nigh impossible, for so large a body as the Congress to conduct the necessary negotiations and investigations. I therefore recommend that provision be made for the appointment of a commission to agree upon and report a plan for dealing with this debt.

The work of the Census Bureau is now far in advance and the great bulk of the enormous labor involved completed. It will be more strictly a statistical exhibit and less encumbered by essays than its immediate predecessors. The methods pursued have been fair, careful, and intelligent, and have secured the approval of the statisticians who have followed them with a scientific and nonpartisan interest. The appropriations necessary to the early completion and publication of the authorized volumes should be given in time to secure against delays, which increase the cost and at the same time diminish the value of the work.

The report of the Secretary exhibits with interesting fullness the condition of the Territories. They have shared with the States the great increase in farm products, and are bringing yearly large areas into cultivation by extending their irrigating canals. This work is being done by individuals or local corporations and without that system which a full preliminary survey of the water supply and of the irrigable lands would enable them to adopt. The future of the Territories of New Mexico, Arizona, and Utah in their material growth and in the increase, independence, and happiness of their people is very largely dependent upon wise and timely legislation, either by Congress or their own legislatures, regulating the distribution of the water supply furnished by their streams. If this matter is much longer neglected, private corporations will have unrestricted control of one of the elements of life and the patentees of the arid lands will be tenants at will of the water companies.

The United States should part with its ownership of the water sources and the sites for reservoirs, whether to the States and Territories or to individuals or corporations, only upon conditions that will insure to the settlers their proper water supply upon equal and reasonable terms. In the Territories this whole subject is under the full control of Congress, and in the States it is practically so as long as the Government holds the title to the reservoir sites and water sources and can grant them upon such conditions as it chooses to impose. The improvident granting of franchises of enormous value without recompense to the State or municipality from which they proceed and without proper

protection of the public interests is the most noticeable and flagrant evil of modern legislation. This fault should not be committed in dealing with a subject that will before many years affect so vitally thousands of our people.

The legislation of Congress for the repression of polygamy has, after years of resistance on the part of the Mormons, at last brought them to the conclusion that resistance is unprofitable and unavailing. The power of Congress over this subject should not be surrendered until we have satisfactory evidence that the people of the State to be created would exercise the exclusive power of the State over this subject in the same way. The question is not whether these people now obey the laws of Congress against polygamy, but rather would they make, enforce, and maintain such laws themselves if absolutely free to regulate the subject? We can not afford to experiment with this subject, for when a State is once constituted the act is final and any mistake irretrievable. No compact in the enabling act could, in my opinion, be binding or effective.

I recommend that provision be made for the organization of a simple form of town government in Alaska, with power to regulate such matters as are usually in the States under municipal control. These local civil organizations will give better protection in some matters than the present skeleton Territorial organization. Proper restrictions as to the power to levy taxes and to create debt should be imposed.

If the establishment of the Department of Agriculture was regarded by anyone as a mere concession to the unenlightened demand of a worthy class of people, that impression has been most effectually removed by the great results already attained. Its home influence has been very great in disseminating agricultural and horticultural information, in stimulating and directing a further diversification of crops, in detecting and eradicating diseases of domestic animals, and, more than all, in the close and informal contact which it has established and maintains with the farmers and stock raisers of the whole country. Every request for information has had prompt attention and every suggestion merited consideration. The scientific corps of the Department is of a high order and is pushing its investigations with method and enthusiasm.

The inspection by this Department of cattle and pork products intended for shipment abroad has been the basis of the success which has attended our efforts to secure the removal of the restrictions maintained by the European Governments.

For ten years protests and petitions upon this subject from the packers and stock raisers of the United States have been directed against these restrictions, which so seriously limited our markets and curtailed the profits of the farm. It is a source of general congratulation that success has at last been attained, for the effects of an enlarged foreign market for these meats will be felt not only by the farmer, but in our public finances and in every branch of trade. It is particularly fortunate that

the increased demand for food products resulting from the removal of the restrictions upon our meats and from the reciprocal trade arrangements to which I have referred should have come at a time when the agricultural surplus is so large. Without the help thus derived lower prices would have prevailed. The Secretary of Agriculture estimates that the restrictions upon the importation of our pork products into Europe lost us a market for $20,000,000 worth of these products annually.

The grain crop of this year was the largest in our history—50 per cent greater than that of last year—and yet the new markets that have been opened and the larger demand resulting from short crops in Europe have sustained prices to such an extent that the enormous surplus of meats and breadstuffs will be marketed at good prices, bringing relief and prosperity to an industry that was much depressed. The value of the grain crop of the United States is estimated by the Secretary to be this year $500,000,000 more than last; of meats $150,000,000 more, and of all products of the farm $700,000,000 more. It is not inappropriate, I think, here to suggest that our satisfaction in the contemplation of this marvelous addition to the national wealth is unclouded by any suspicion of the currency by which it is measured and in which the farmer is paid for the products of his fields.

The report of the Civil Service Commission should receive the careful attention of the opponents as well as the friends of this reform. The Commission invites a personal inspection by Senators and Representatives of its records and methods, and every fair critic will feel that such an examination should precede a judgment of condemnation either of the system or its administration. It is not claimed that either is perfect, but I believe that the law is being executed with impartiality and that the system is incomparably better and fairer than that of appointments upon favor. I have during the year extended the classified service to include superintendents, teachers, matrons, and physicians in the Indian service. This branch of the service is largely related to educational and philanthropic work and will obviously be the better for the change.

The heads of the several Executive Departments have been directed to establish at once an efficiency record as the basis of a comparative rating of the clerks within the classified service, with a view to placing promotions therein upon the basis of merit. I am confident that such a record, fairly kept and open to the inspection of those interested, will powerfully stimulate the work of the Departments and will be accepted by all as placing the troublesome matter of promotions upon a just basis.

I recommend that the appropriation for the Civil Service Commission be made adequate to the increased work of the next fiscal year.

I have twice before urgently called the attention of Congress to the necessity of legislation for the protection of the lives of railroad employees, but nothing has yet been done. During the year ending June 30, 1890, 369 brakemen were killed and 7,841 maimed while engaged in

coupling cars. The total number of railroad employees killed during the year was 2,451 and the number injured 22,390. This is a cruel and largely needless sacrifice. The Government is spending nearly $1,000,000 annually to save the lives of shipwrecked seamen; every steam vessel is rigidly inspected and required to adopt the most approved safety appliances. All this is good. But how shall we excuse the lack of interest and effort in behalf of this army of brave young men who in our land commerce are being sacrificed every year by the continued use of antiquated and dangerous appliances? A law requiring of every railroad engaged in interstate commerce the equipment each year of a given per cent of its freight cars with automatic couplers and air brakes would compel an agreement between the roads as to the kind of brakes and couplers to be used, and would very soon and very greatly reduce the present fearful death rate among railroad employees.

The method of appointment by the States of electors of President and Vice-President has recently attracted renewed interest by reason of a departure by the State of Michigan from the method which had become uniform in all the States. Prior to 1832 various methods had been used by the different States, and even by the same State. In some the choice was made by the legislature; in others electors were chosen by districts, but more generally by the voters of the whole State upon a general ticket. The movement toward the adoption of the last-named method had an early beginning and went steadily forward among the States until in 1832 there remained but a single State (South Carolina) that had not adopted it. That State until the Civil War continued to choose its electors by a vote of the legislature, but after the war changed its method and conformed to the practice of the other States. For nearly sixty years all the States save one have appointed their electors by a popular vote upon a general ticket, and for nearly thirty years this method was universal.

After a full test of other methods, without important division or dissent in any State and without any purpose of party advantage, as we must believe, but solely upon the considerations that uniformity was desirable and that a general election in territorial divisions not subject to change was most consistent with the popular character of our institutions, best preserved the equality of the voters, and perfectly removed the choice of President from the baneful influence of the "gerrymander," the practice of all the States was brought into harmony. That this concurrence should now be broken is, I think, an unfortunate and even a threatening episode, and one that may well suggest whether the States that still give their approval to the old and prevailing method ought not to secure by a constitutional amendment a practice which has had the approval of all. The recent Michigan legislation provides for choosing what are popularly known as the Congressional electors for President by Congressional districts and the two Senatorial electors by districts

created for that purpose. This legislation was, of course, accompanied by a new Congressional apportionment, and the two statutes bring the electoral vote of the State under the influence of the "gerrymander."

These gerrymanders for Congressional purposes are in most cases buttressed by a gerrymander of the legislative districts, thus making it impossible for a majority of the legal voters of the State to correct the apportionment and equalize the Congressional districts. A minority rule is established that only a political convulsion can overthrow. I have recently been advised that in one county of a certain State three districts for the election of members of the legislature are constituted as follows: One has 65,000 population, one 15,000, and one 10,000, while in another county detached, noncontiguous sections have been united to make a legislative district. These methods have already found effective application to the choice of Senators and Representatives in Congress, and now an evil start has been made in the direction of applying them to the choice by the States of electors of President and Vice-President. If this is accomplished, we shall then have the three great departments of the Government in the grasp of the "gerrymander," the legislative and executive directly and the judiciary indirectly through the power of appointment.

An election implies a body of electors having prescribed qualifications, each one of whom has an equal value and influence in determining the result. So when the Constitution provides that "each State shall appoint" (elect), "in such manner as the legislature thereof may direct, a number of electors," etc., an unrestricted power was not given to the legislatures in the selection of the methods to be used. "A republican form of government" is guaranteed by the Constitution to each State, and the power given by the same instrument to the legislatures of the States to prescribe methods for the choice by the State of electors must be exercised under that limitation. The essential features of such a government are the right of the people to choose their own officers and the nearest practicable equality of value in the suffrages given in determining that choice.

It will not be claimed that the power given to the legislature would support a law providing that the persons receiving the smallest vote should be the electors or a law that all the electors should be chosen by the voters of a single Congressional district. The State is to choose, and under the pretense of regulating methods the legislature can neither vest the right of choice elsewhere nor adopt methods not conformable to republican institutions. It is not my purpose here to discuss the question whether a choice by the legislature or by the voters of equal single districts is a choice by the State, but only to recommend such regulation of this matter by constitutional amendment as will secure uniformity and prevent that disgraceful partisan jugglery to which such a liberty of choice, if it exists, offers a temptation.

Nothing just now is more important than to provide every guaranty for the absolutely fair and free choice by an equal suffrage within the respective States of all the officers of the National Government, whether that suffrage is applied directly, as in the choice of members of the House of Representatives, or indirectly, as in the choice of Senators and electors of President. Respect for public officers and obedience to law will not cease to be the characteristics of our people until our elections cease to declare the will of majorities fairly ascertained without fraud, suppression, or gerrymander. If I were called upon to declare wherein our chief national danger lies, I should say without hesitation in the overthrow of majority control by the suppression or perversion of the popular suffrage. That there is a real danger here all must agree; but the energies of those who see it have been chiefly expended in trying to fix responsibility upon the opposite party rather than in efforts to make such practices impossible by either party.

Is it not possible now to adjourn that interminable and inconclusive debate while we take by consent one step in the direction of reform by eliminating the gerrymander, which has been denounced by all parties as an influence in the selection of electors of President and members of Congress? All the States have, acting freely and separately, determined that the choice of electors by a general ticket is the wisest and safest method, and it would seem there could be no objection to a constitutional amendment making that method permanent. If a legislature chosen in one year upon purely local questions should, pending a Presidential contest, meet, rescind the law for a choice upon a general ticket, and provide for the choice of electors by the legislature, and this trick should determine the result, it is not too much to say that the public peace might be seriously and widely endangered.

I have alluded to the "gerrymander" as affecting the method of selecting electors of President by Congressional districts, but the primary intent and effect of this form of political robbery have relation to the selection of members of the House of Representatives. The power of Congress is ample to deal with this threatening and intolerable abuse. The unfailing test of sincerity in election reform will be found in a willingness to confer as to remedies and to put into force such measures as will most effectually preserve the right of the people to free and equal representation.

An attempt was made in the last Congress to bring to bear the constitutional powers of the General Government for the correction of fraud against the suffrage. It is important to know whether the opposition to such measures is really rested in particular features supposed to be objectionable or includes any proposition to give to the election laws of the United States adequacy to the correction of grave and acknowledged evils. I must yet entertain the hope that it is possible to secure a calm, patriotic consideration of such constitutional or statutory changes as may

THE *MAINE* ENTERING HAVANA HARBOR, JAN. 25, 1898

THE *MAINE* ENTERING HAVANA HARBOR

On January 25, 1898, our second-class battle-ship *Maine,* which, by the way, was the first battle-ship built by the United States, entered Havana Harbor. The Spanish forts and the vessels lying there went through the formalities required by naval etiquette. Then she proceeded to the anchorage designated for her by the Spanish authorities.

On pages 6277 and 6290 President McKinley writes the official record of prior and subsequent events connected with the melancholy fate of the vessel.

Morro Castle is seen at the right. It is even to-day a constant reminder of Spanish misrule, with its garottes and dungeons.

be necessary to secure the choice of the officers of the Government to the people by fair apportionments and free elections.

I believe it would be possible to constitute a commission, nonpartisan in its membership and composed of patriotic, wise, and impartial men, to whom a consideration of the question of the evils connected with our election system and methods might be committed with a good prospect of securing unanimity in some plan for removing or mitigating those evils. The Constitution would permit the selection of the commission to be vested in the Supreme Court if that method would give the best guaranty of impartiality. This commission should be charged with the duty of inquiring into the whole subject of the law of elections as related to the choice of officers of the National Government, with a view to securing to every elector a free and unmolested exercise of the suffrage and as near an approach to an equality of value in each ballot cast as is attainable.

While the policies of the General Government upon the tariff, upon the restoration of our merchant marine, upon river and harbor improvements, and other such matters of grave and general concern are liable to be turned this way or that by the results of Congressional elections and administrative policies, sometimes involving issues that tend to peace or war, to be turned this way or that by the results of a Presidential election, there is a rightful interest in all the States and in every Congressional district that will not be deceived or silenced by the audacious pretense that the question of the right of any body of legal voters in any State or in any Congressional district to give their suffrages freely upon these general questions is a matter only of local concern or control. The demand that the limitations of suffrage shall be found in the law, and only there, is a just demand, and no just man should resent or resist it. My appeal is and must continue to be for a consultation that shall "proceed with candor, calmness, and patience upon the lines of justice and humanity, not of prejudice and cruelty."

To the consideration of these very grave questions I invite not only the attention of Congress, but that of all patriotic citizens. We must not entertain the delusion that our people have ceased to regard a free ballot and equal representation as the price of their allegiance to laws and to civil magistrates.

I have been greatly rejoiced to notice many evidences of the increased unification of our people and of a revived national spirit. The vista that now opens to us is wider and more glorious than ever before. Gratification and amazement struggle for supremacy as we contemplate the population, wealth, and moral strength of our country. A trust momentous in its influence upon our people and upon the world is for a brief time committed to us, and we must not be faithless to its first condition—the defense of the free and equal influence of the people in the choice of public officers and in the control of public affairs.

BENJ. HARRISON.

SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 16, 1891.*

To the Senate and House of Representatives:

I transmit herewith, for your information, a letter from the Secretary of State, inclosing the first annual report and copies of the bulletins of the Bureau of the American Republics.

BENJ. HARRISON.

EXECUTIVE MANSION, *December 23, 1891.*

To the Senate and House of Representatives:

I transmit herewith the report of the board appointed by me under a clause in the District of Columbia appropriation act approved August 6, 1890, "to consider the location, arrangement, and operation of electric wires in the District of Columbia," etc., to which the attention of Congress is respectfully invited.

BENJ. HARRISON.

EXECUTIVE MANSION, *December 23, 1891.*

To the Senate and House of Representatives:

My attention having been called to the necessity of bringing about a uniform usage and spelling of geographic names in the publications of the Government, the following Executive order was issued on the 4th day of September, 1890:

As it is desirable that uniform usage in regard to geographic nomenclature and orthography obtain throughout the Executive Departments of the Government, and particularly upon the maps and charts issued by the various Departments and bureaus, I hereby constitute a Board on Geographic Names and designate the following persons, who have heretofore cooperated for a similar purpose under the authority of the several Departments, bureaus, and institutions with which they are connected, as members of said board:

Professor Thomas C. Mendenhall, United States Coast and Geodetic Survey, chairman.

Andrew H. Allen, Department of State.

Captain Henry L. Howison, Light-House Board, Treasury Department.

Captain Thomas Turtle, Engineer Corps, War Department.

Lieutenant Richardson Clover, Hydrographic Office, Navy Department.

Pierson H. Bristow, Post-Office Department.

Otis T. Mason, Smithsonian Institution.

Herbert G. Ogden, United States Coast and Geodetic Survey.

Henry Gannett, United States Geological Survey.

Marcus Baker, United States Geological Survey.

To this board shall be referred all unsettled questions concerning geographic names which arise in the Departments, and the decisions of the board are to be accepted by these Departments as the standard authority in such matters.

Department officers are instructed to afford such assistance as may be proper to carry on the work of this board.

The members of this board shall serve without additional compensation and its organization shall entail no expense on the Government.

The report of the board thus constituted has been submitted to me, and is herewith transmitted for the information of Congress and with a view to its publication in suitable form if such action is deemed by Congress to be desirable.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 5, 1892.*

To the Senate and House of Representatives:

The famine prevailing in some of the Provinces of Russia is so severe and widespread as to have attracted the sympathetic interest of a large number of our liberal and favored people. In some of the great grain-producing States of the West movements have already been organized to collect flour and meal for the relief of these perishing Russian families, and the response has been such as to justify the belief that a ship's cargo can very soon be delivered at the seaboard through the generous cooperation of the transportation lines. It is most appropriate that a people whose storehouses have been so lavishly filled with all the fruits of the earth by the gracious favor of God should manifest their gratitude by large gifts to His suffering children in other lands.

The Secretary of the Navy has no steam vessel at his disposal that could be used for the transportation of these supplies, and I therefore recommend that he be authorized to charter a suitable vessel to receive them if a sufficient amount should be offered, and to send them under the charge of a naval officer to such Russian port as may be most convenient for ready distribution to those most in need.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 6, 1892.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the 4th instant from the Secretary of the Interior, accompanied by an agreement concluded by and between the Cherokee Commission and the Wichita and affiliated bands of Indians in the Territory of Oklahoma, for the cession of certain lands and for other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 6, 1892.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the 4th instant from the Secretary of the Interior, submitting the

agreement entered into between the Indians of the Colville Reservation, in the State of Washington, and the commissioners appointed under the provisions of the act of August 19, 1890, to negotiate with them for the cession of such portion of said reservation as said Indians may be willing to dispose of, that the same may be opened to white settlement.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 6, 1892.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the 4th instant from the Secretary of the Interior, accompanied by an agreement concluded by the Cherokee Commission with the Tonkawa Indians in Oklahoma Territory, for the cession of all their right, title, claim, and interest of every kind and character in and to the lands occupied by them in said Territory, and for other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 11, 1892.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the 8th instant from the Secretary of the Interior, submitting the agreements concluded by and between the Cherokee Commission and the Kickapoo tribe of Indians in the Territory of Oklahoma, for the cession of certain lands and for other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 11, 1892.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the 4th instant from the Secretary of the Interior, submitting the agreement entered into between the Indians of the Pyramid Lake Reservation and the commission appointed under the provisions of the Indian appropriation act of March 3, 1891, for the cession and relinquishment of the southern portion of their reservation in the State of Nevada.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 11, 1892.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the 4th instant from the Secretary of the Interior, submitting the agreement entered into between the Shoshone and Arapahoe Indians of the Shoshone or Wind River Reservation, in the State of Wyoming, and

the commission appointed under the provisions of the Indian appropriation act of March 3, 1891, for the cession and relinquishment of a portion of their said reservation.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington. January 18, 1892.

To the Senate of the United States:

I transmit herewith to the Senate a report of the Secretary of State, in answer to the resolution of the Senate of the 12th instant, making inquiries regarding payments of the awards of the claims commission under the convention of July 4, 1868, between the United States and Mexico.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 19, 1892.*

To the Senate and House of Representatives:

I transmit herewith a letter of the Secretary of the Navy, accompanied by the report of the commission appointed by me by virtue of a provision in the naval appropriation act approved June 30, 1890, "to select a suitable site, having due regard to commercial and naval interests, for a dry dock at some point on the shores of the Gulf of Mexico or the waters connected therewith."

The Secretary of the Navy approves the recommendations of the commission, and they are respectfully submitted for the consideration of the Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 25, 1892.*

To the Senate and House of Representatives:

In my annual message delivered to Congress at the beginning of the present session, after a brief statement of the facts then in the possession of this Government touching the assault in the streets of Valparaiso, Chile, upon the sailors of the United States steamship *Baltimore* on the evening of the 16th of October last, I said:

> This Government is now awaiting the result of an investigation which has been conducted by the criminal court at Valparaiso. It is reported unofficially that the investigation is about completed, and it is expected that the result will soon be communicated to this Government, together with some adequate and satisfactory response to the note by which the attention of Chile was called to this incident. If these just expectations should be disappointed or further needless delay intervene, I will by a special message bring this matter again to the attention of Congress for such action as may be necessary.

In my opinion the time has now come when I should lay before the Congress and the country the correspondence between this Government and

the Government of Chile from the time of the breaking out of the revolution against Balmaceda, together with all other facts in the possession of the executive department relating to this matter. The diplomatic correspondence is herewith transmitted, together with some correspondence between the naval officers for the time in command in Chilean waters and the Secretary of the Navy, and also the evidence taken at the Mare Island Navy-Yard since the arrival of the *Baltimore* at San Francisco. I do not deem it necessary in this communication to attempt any full analysis of the correspondence or of the evidence. A brief restatement of the international questions involved and of the reasons why the responses of the Chilean Government are unsatisfactory is all that I deem necessary.

It may be well at the outset to say that whatever may have been said in this country or in Chile in criticism of Mr. Egan, our minister at Santiago, the true history of this exciting period in Chilean affairs from the outbreak of the revolution until this time discloses no act on the part of Mr. Egan unworthy of his position or that could justly be the occasion of serious animadversion or criticism. He has, I think, on the whole borne himself in very trying circumstances with dignity, discretion, and courage, and has conducted the correspondence with ability, courtesy, and fairness.

It is worth while also at the beginning to say that the right of Mr. Egan to give shelter in the legation to certain adherents of the Balmaceda Government who applied to him for asylum has not been denied by the Chilean authorities, nor has any demand been made for the surrender of these refugees. That there was urgent need of asylum is shown by Mr. Egan's note of August 24, 1891, describing the disorders that prevailed in Santiago, and by the evidence of Captain Schley as to the pillage and violence that prevailed at Valparaiso. The correspondence discloses, however, that the request of Mr. Egan for a safe conduct from the country in behalf of these refugees was denied. The precedents cited by him in the correspondence, particularly the case of the revolution in Peru in 1865, did not leave the Chilean Government in a position to deny the right of asylum to political refugees, and seemed very clearly to support Mr. Egan's contention that a safe conduct to neutral territory was a necessary and acknowledged incident of the asylum. These refugees have very recently, without formal safe conduct, but by the acquiescence of the Chilean authorities, been placed on board the *Yorktown*, and are now being conveyed to Callao, Peru. This incident might be considered wholly closed but for the disrespect manifested toward this Government by the close and offensive police surveillance of the legation premises which was maintained during most of the period of the stay of the refugees therein. After the date of my annual message, and up to the time of the transfer of the refugees to the *Yorktown*, the legation premises seemed to have been surrounded by police in uniform and police agents or detectives in citizen's dress, who offensively scrutinized persons enter-

ing or leaving the legation, and on one or more occasions arrested members of the minister's family. Commander Evans, who by my direction recently visited Mr. Egan at Santiago, in his telegram to the Navy Department described the legation as "a veritable prison," and states that the police agents or detectives were after his arrival withdrawn during his stay. It appears further from the note of Mr. Egan of November 20, 1891, that on one occasion at least these police agents, whom he declares to be known to him, invaded the legation premises, pounding upon its windows and using insulting and threatening language toward persons therein. This breach of the right of a minister to freedom from police espionage and restraint seems to have been so flagrant that the Argentine minister, who was dean of the diplomatic corps, having observed it, felt called upon to protest against it to the Chilean minister of foreign affairs. The Chilean authorities have, as will be observed from the correspondence, charged the refugees and the inmates of the legation with insulting the police; but it seems to me incredible that men whose lives were in jeopardy and whose safety could only be secured by retirement and quietness should have sought to provoke a collision, which could only end in their destruction, or to aggravate their condition by intensifying a popular feeling that at one time so threatened the legation as to require Mr. Egan to appeal to the minister of foreign affairs.

But the most serious incident disclosed by the correspondence is that of the attack upon the sailors of the *Baltimore* in the streets of Valparaiso on the 16th of October last. In my annual message, speaking upon the information then in my possession, I said:

> So far as I have yet been able to learn, no other explanation of this bloody work has been suggested than that it had its origin in hostility to those men as sailors of the United States, wearing the uniform of their Government, and not in any individual act or personal animosity.

We have now received from the Chilean Government an abstract of the conclusions of the fiscal general upon the testimony taken by the judge of crimes in an investigation which was made to extend over nearly three months. I very much regret to be compelled to say that this report does not enable me to modify the conclusion announced in my annual message. I am still of the opinion that our sailors were assaulted, beaten, stabbed, and killed not for anything they or any one of them had done, but for what the Government of the United States had done or was charged with having done by its civil officers and naval commanders. If that be the true aspect of the case, the injury was to the Government of the United States, not to these poor sailors who were assaulted in a manner so brutal and so cowardly.

Before attempting to give an outline of the facts upon which this conclusion rests I think it right to say a word or two upon the legal aspect of the case. The *Baltimore* was in the harbor of Valparaiso by virtue of that general invitation which nations are held to extend to the war

vessels of other powers with which they have friendly relations. This invitation, I think, must be held ordinarily to embrace the privilege of such communication with the shore as is reasonable, necessary, and proper for the comfort and convenience of the officers and men of such vessels. Captain Schley testifies that when his vessel returned to Valparaiso on September 14 the city officers, as is customary, extended the hospitalities of the city to his officers and crew. It is not claimed that every personal collision or injury in which a sailor or officer of such naval vessel visiting the shore may be involved raises an international question, but I am clearly of the opinion that where such sailors or officers are assaulted by a resident populace, animated by hostility to the government whose uniform these sailors and officers wear and in resentment of acts done by their government, not by them, their nation must take notice of the event as one involving an infraction of its rights and dignity, not in a secondary way, as where a citizen is injured and presents his claim through his own government, but in a primary way, precisely as if its minister or consul or the flag itself had been the object of the same character of assault.

The officers and sailors of the *Baltimore* were in the harbor of Valparaiso under the orders of their Government, not by their own choice. They were upon the shore by the implied invitation of the Government of Chile and with the approval of their commanding officer; and it does not distinguish their case from that of a consul that his stay is more permanent or that he holds the express invitation of the local government to justify his longer residence. Nor does it affect the question that the injury was the act of a mob. If there had been no participation by the police or military in this cruel work and no neglect on their part to extend protection, the case would still be one, in my opinion, when its extent and character are considered, involving international rights

The incidents of the affair are briefly as follows:

On the 16th of October last Captain Schley, commanding the United States steamship *Baltimore*, gave shore leave to 117 petty officers and sailors of his ship. These men left the ship about 1.30 p. m. No incident of violence occurred, none of our men were arrested, no complaint was lodged against them, nor did any collision or outbreak occur until about 6 o'clock p. m. Captain Schley states that he was himself on shore and about the streets of the city until 5.30 p. m.; that he met very many of his men who were upon leave; that they were sober and were conducting themselves with propriety, saluting Chilean and other officers as they met them. Other officers of the ship and Captain Jenkins, of the merchant ship *Keweenaw*, corroborate Captain Schley as to the general sobriety and good behavior of our men. The Sisters of Charity at the hospital to which our wounded men were taken when inquired of stated that they were sober when received. If the situation had been otherwise, we must believe that the Chilean police authorities would have made arrests. About 6 p. m. the assault began, and it is remarkable that the

investigation by the judge of crimes, though so protracted, does not enable him to give any more satisfactory account of its origin than is found in the statement that it began between drunken sailors. Repeatedly in the correspondence it is asserted that it was impossible to learn the precise cause of the riot. The minister of foreign affairs, Matta, in his telegram to Mr. Montt under date December 31, states that the quarrel began between two sailors in a tavern and was continued in the street, persons who were passing joining in it.

The testimony of Talbot, an apprentice, who was with Riggin, is that the outbreak in which they were involved began by a Chilean sailor's spitting in the face of Talbot, which was resented by a knockdown. It appears that Riggin and Talbot were at the time unaccompanied by others of their shipmates. These two men were immediately beset by a crowd of Chilean citizens and sailors, through which they broke their way to a street car, and entered it for safety. They were pursued, driven from the car, and Riggin was so seriously beaten that he fell in the street apparently dead. There is nothing in the report of the Chilean investigation made to us that seriously impeaches this testimony. It appears from Chilean sources that almost instantly, with a suddenness that strongly implies meditation and preparation, a mob, stated by the police authorities at one time to number 2,000 and at another 1,000, was engaged in the assault upon our sailors, who are represented as resisting "with stones, clubs, and bright arms." The report of the *intendente* of October 30 states that the fight began at 6 p. m. in three streets, which are named; that information was received at the *intendencia* at 6.15, and that the police arrived on the scene at 6.30, a full half hour after the assault began. At that time he says that a mob of 2,000 men had collected, and that for several squares there was the appearance of a "real battlefield."

The scene at this point is very graphically set before us by the Chilean testimony. The American sailors, who after so long an examination have not been found guilty of any breach of the peace so far as the Chilean authorities are able to discover, unarmed and defenseless, are fleeing for their lives, pursued by overwhelming numbers, and fighting only to aid their own escape from death or to succor some mate whose life is in greater peril. Eighteen of them are brutally stabbed and beaten, while one Chilean seems from the report to have suffered some injury, but how serious or with what character of weapon, or whether by a missile thrown by our men or by some of his fellow-rioters, is unascertained.

The pretense that our men were fighting "with stones, clubs, and bright arms" is in view of these facts incredible. It is further refuted by the fact that our prisoners when searched were absolutely without arms, only seven penknives being found in the possession of the men arrested, while there were received by our men more than thirty stab wounds, every one of which was inflicted in the back, and almost every contused wound was in the back or back of the head. The evidence of the ship's

officer of the day is that even the jackknives of the men were taken from them before leaving the ship.

As to the brutal nature of the treatment received by our men, the following extract from the account given of the affair by the La Patria newspaper, of Valparaiso, of October 17, can not be regarded as too friendly:

> The Yankees, as soon as their pursuers gave chase, went by way of the Calle del Arsenal toward the city car station. In the presence of an ordinary number of citizens, among whom were some sailors, the North Americans took seats in the street car to escape from the stones which the Chileans threw at them. It was believed for an instant that the North Americans had saved themselves from popular fury, but such was not the case. Scarcely had the car begun to move when a crowd gathered around and stopped its progress. Under these circumstances and without any cessation of the howling and throwing of stones at the North Americans, the conductor entered the car, and, seeing the risk of the situation to the vehicle, ordered them to get out. At the instant the sailors left the car, in the midst of a hail of stones, the said conductor received a stone blow on the head. One of the Yankee sailors managed to escape in the direction of the Plaza Wheelright, but the other was felled to the ground by a stone. Managing to raise himself from the ground where he lay, he staggered in an opposite direction from the station. In front of the house of Señor Mazzini he was again wounded, falling then senseless and breathless.

No amount of evasion or subterfuge is able to cloud our clear vision of this brutal work. It should be noticed in this connection that the American sailors arrested, after an examination, were during the four days following the arrest every one discharged, no charge of any breach of the peace or other criminal conduct having been sustained against a single one of them. The judge of crimes, Foster, in a note to the *intendente* under date of October 22, before the dispatch from this Government of the following day, which aroused the authorities of Chile to a better sense of the gravity of the affair, says:

> Having presided temporarily over this court in regard to the seamen of the United States cruiser *Baltimore*, who have been tried on account of the deplorable conduct which took place, etc.

The noticeable point here is that our sailors had been tried before the 22d of October, and that the trial resulted in their acquittal and return to their vessel. It is quite remarkable and quite characteristic of the management of this affair by the Chilean police authorities that we should now be advised that Seaman Davidson, of the *Baltimore*, has been included in the indictment, his offense being, so far as I have been able to ascertain, that he attempted to defend a shipmate against an assailant who was striking at him with a knife. The perfect vindication of our men is furnished by this report. One only is found to have been guilty of criminal fault, and that for an act clearly justifiable.

As to the part taken by the police in the affair, the case made by Chile is also far from satisfactory. The point where Riggin was killed is only three minutes' walk from the police station, and not more than twice that distance from the *intendencia;* and yet according to their official report a full half hour elapsed after the assault began before the police were upon the ground. It has been stated that all but two of our men have said that the police did their duty. The evidence taken at

Mare Island shows that if such a statement was procured from our men it was accomplished by requiring them to sign a writing in a language they did not understand and by the representation that it was a mere declaration that they had taken no part in the disturbance. Lieutenant McCrea, who acted as interpreter, says in his evidence that when our sailors were examined before the court the subject of the conduct of the police was so carefully avoided that he reported the fact to Captain Schley on his return to the vessel.

The evidences of the existence of animosity toward our sailors in the minds of the sailors of the Chilean navy and of the populace of Valparaiso are so abundant and various as to leave no doubt in the mind of anyone who will examine the papers submitted. It manifested itself in threatening and insulting gestures toward our men as they passed the Chilean men-of-war in their boats and in the derisive and abusive epithets with which they greeted every appearance of an American sailor on the evening of the riot. Captain Schley reports that boats from the Chilean war ships several times went out of their course to cross the bows of his boats, compelling them to back water. He complained of the discourtesy, and it was corrected. That this feeling was shared by men of higher rank is shown by an incident related by Surgeon Stitt, of the *Baltimore*. After the battle of Placilla he, with other medical officers of the war vessels in the harbor, was giving voluntary assistance to the wounded in the hospitals. The son of a Chilean army officer of high rank was under his care, and when the father discovered it he flew into a passion and said he would rather have his son die than have Americans touch him, and at once had him removed from the ward. This feeling is not well concealed in the dispatches of the foreign office, and had quite open expression in the disrespectful treatment of the American legation. The Chilean boatmen in the bay refused, even for large offers of money, to return our sailors, who crowded the Mole, to their ship when they were endeavoring to escape from the city on the night of the assault. The market boats of the *Baltimore* were threatened, and even quite recently the gig of Commander Evans, of the *Yorktown*, was stoned while waiting for him at the Mole.

The evidence of our sailors clearly shows that the attack was expected by the Chilean people, that threats had been made against our men, and that in one case, somewhat early in the afternoon, the keeper of one house into which some of our men had gone closed his establishment in anticipation of the attack, which he advised them would be made upon them as darkness came on.

In a report of Captain Schley to the Navy Department he says:

> In the only interview that I had with Judge Foster, who is investigating the case relative to the disturbance, before he was aware of the entire gravity of the matter, he informed me that the assault upon my men was the outcome of hatred for our people among the lower classes because they thought we had sympathized with the Balmaceda Government on account of the *Itata* matter, whether with reason or without he could of course not admit; but such he thought was the explanation of the assault at that time.

Several of our men sought security from the mob by such complete or partial changes in their dress as would conceal the fact of their being seamen of the *Baltimore*, and found it then possible to walk the streets without molestation. These incidents conclusively establish that the attack was upon the uniform—the nationality—and not upon the men.

The origin of this feeling is probably found in the refusal of this Government to give recognition to the Congressional party before it had established itself, in the seizure of the *Itata* for an alleged violation of the neutrality law, in the cable incident, and in the charge that Admiral Brown conveyed information to Valparaiso of the landing at Quinteros. It is not my purpose to enter here any defense of the action of this Government in these matters. It is enough for the present purpose to say that if there was any breach of international comity or duty on our part it should have been made the subject of official complaint through diplomatic channels or for reprisals for which a full responsibility was assumed. We can not consent that these incidents and these perversions of the truth shall be used to excite a murderous attack upon our unoffending sailors and the Government of Chile go aquit of responsibility. In fact, the conduct of this Government during the war in Chile pursued those lines of international duty which we had so strongly insisted upon on the part of other nations when this country was in the throes of a civil conflict. We continued the established diplomatic relations with the government in power until it was overthrown, and promptly and cordially recognized the new government when it was established. The good offices of this Government were offered to bring about a peaceful adjustment, and the interposition of Mr. Egan to mitigate severities and to shelter adherents of the Congressional party was effective and frequent. The charge against Admiral Brown is too base to gain credence with anyone who knows his high personal and professional character.

Recurring to the evidence of our sailors, I think it is shown that there were several distinct assaults, and so nearly simultaneous as to show that they did not spread from one point. A press summary of the report of the fiscal shows that the evidence of the Chilean officials and others was in conflict as to the place of origin, several places being named by different witnesses as the locality where the first outbreak occurred. This if correctly reported shows that there were several distinct outbreaks, and so nearly at the same time as to cause this confusion. The La Patria, in the same issue from which I have already quoted, after describing the killing of Riggin and the fight which from that point extended to the Mole, says:

> At the same time in other streets of the port the Yankee sailors fought fiercely with the people of the town, who believed to see in them incarnate enemies of the Chilean navy.

The testimony of Captain Jenkins, of the American merchant ship *Keweenaw*, which had gone to Valparaiso for repairs, and who was a

witness of some part of the assault upon the crew of the *Baltimore*, is strongly corroborative of the testimony of our own sailors when he says that he saw Chilean sentries drive back a seaman seeking shelter upon a mob that was pursuing him. The officers and men of Captain Jenkins's ship furnish the most conclusive testimony as to the indignities which were practiced toward Americans in Valparaiso. When American sailors, even of merchant ships, can only secure their safety by denying their nationality, it must be time to readjust our relations with a government that permits such demonstrations.

As to the participation of the police, the evidence of our sailors shows that our men were struck and beaten by police officers before and after arrest, and that one at least was dragged with a lasso about his neck by a mounted policeman. That the death of Riggin was the result of a rifle shot fired by a policeman or soldier on duty is shown directly by the testimony of Johnson, in whose arms he was at the time, and by the evidence of Charles Langen, an American sailor, not then a member of the *Baltimore's* crew, who stood close by and saw the transaction. The Chilean authorities do not pretend to fix the responsibility of this shot upon any particular person, but avow their inability to ascertain who fired it further than that it was fired from a crowd. The character of the wound as described by one of the surgeons of the *Baltimore* clearly supports his opinion that it was made by a rifle ball, the orifice of exit being as much as an inch or an inch and a quarter in width. When shot the poor fellow was unconscious and in the arms of a comrade, who was endeavoring to carry him to a neighboring drug store for treatment. The story of the police that in coming up the street they passed these men and left them behind them is inconsistent with their own statement as to the direction of their approach and with their duty to protect them, and is clearly disproved. In fact Riggin was not behind but in front of the advancing force, and was not standing in the crowd, but was unconscious and supported in the arms of Johnson when he was shot.

The communications of the Chilean Government in relation to this cruel and disastrous attack upon our men, as will appear from the correspondence, have not in any degree taken the form of a manly and satisfactory expression of regret, much less of apology. The event was of so serious a character that if the injuries suffered by our men had been wholly the result of an accident in a Chilean port the incident was grave enough to have called for some public expression of sympathy and regret from the local authorities. It is not enough to say that the affair was lamentable, for humanity would require that expression even if the beating and killing of our men had been justifiable. It is not enough to say that the incident is regretted, coupled with the statement that the affair was not of an unusual character in ports where foreign sailors are accustomed to meet. It is not for a generous and sincere government to seek for words of small or equivocal meaning in which to convey to a friendly

power an apology for an offense so atrocious as this. In the case of the assault by a mob in New Orleans upon the Spanish consulate in 1851, Mr. Webster wrote to the Spanish minister, Mr. Calderon, that the acts complained of were "a disgraceful and flagrant breach of duty and propriety," and that his Government "regrets them as deeply as Minister Calderon or his Government could possibly do;" that "these acts have caused the President great pain, and he thinks a proper acknowledgment is due to Her Majesty's Government." He invited the Spanish consul to return to his post, guaranteeing protection, and offered to salute the Spanish flag if the consul should come in a Spanish vessel. Such a treatment by the Government of Chile of this assault would have been more creditable to the Chilean authorities, and much less can hardly be satisfactory to a government that values its dignity and honor.

In our note of October 23 last, which appears in the correspondence, after receiving the report of the board of officers appointed by Captain Schley to investigate the affair, the Chilean Government was advised of the aspect which it then assumed and called upon for any facts in its possession that might tend to modify the unfavorable impressions which our report had created. It is very clear from the correspondence that before the receipt of this note the examination was regarded by the police authorities as practically closed. It was, however, reopened and protracted through a period of nearly three months. We might justly have complained of this unreasonable delay; but in view of the fact that the Government of Chile was still provisional, and with a disposition to be forbearing and hopeful of a friendly termination, I have awaited the report, which has but recently been made.

On the 21st instant I caused to be communicated to the Government of Chile by the American minister at Santiago the conclusions of this Government after a full consideration of all the evidence and of every suggestion affecting this matter, and to these conclusions I adhere. They were stated as follows:

> First. That the assault is not relieved of the aspect which the early information of the event gave to it, viz, that of an attack upon the uniform of the United States Navy having its origin and motive in a feeling of hostility to this Government, and not in any act of the sailors or of any of them.
>
> Second. That the public authorities of Valparaiso flagrantly failed in their duty to protect our men, and that some of the police and of the Chilean soldiers and sailors were themselves guilty of unprovoked assaults upon our sailors before and after arrest. He [the President] thinks the preponderance of the evidence and the inherent probabilities lead to the conclusion that Riggin was killed by the police or soldiers.
>
> Third. That he [the President] is therefore compelled to bring the case back to the position taken by this Government in the note of Mr. Wharton of October 23 last * * * and to ask for a suitable apology and for some adequate reparation for the injury done to this Government.

In the same note the attention of the Chilean Government was called to the offensive character of a note addressed by Mr. Matta, its minister

of foreign affairs, to Mr. Montt, its minister at this capital, on the 11th ultimo. This dispatch was not officially communicated to this Government, but as Mr. Montt was directed to translate it and to give it to the press of the country it seemed to me that it could not pass without official notice. It was not only undiplomatic, but grossly insulting to our naval officers and to the executive department, as it directly imputed untruth and insincerity to the reports of the naval officers and to the official communications made by the executive department to Congress. It will be observed that I have notified the Chilean Government that unless this note is at once withdrawn and an apology as public as the offense made I will terminate diplomatic relations.

The request for the recall of Mr. Egan upon the ground that he was not *persona grata* was unaccompanied by any suggestion that could properly be used in support of it, and I infer that the request is based upon official acts of Mr. Egan which have received the approval of this Government. But however that may be, I could not consent to consider such a question until it had first been settled whether our correspondence with Chile could be conducted upon a basis of mutual respect.

In submitting these papers to Congress for that grave and patriotic consideration which the questions involved demand I desire to say that I am of the opinion that the demands made of Chile by this Government should be adhered to and enforced. If the dignity as well as the prestige and influence of the United States are not to be wholly sacrificed, we must protect those who in foreign ports display the flag or wear the colors of this Government against insult, brutality, and death inflicted in resentment of the acts of their Government and not for any fault of their own. It has been my desire in every way to cultivate friendly and intimate relations with all the Governments of this hemisphere. We do not covet their territory. We desire their peace and prosperity. We look for no advantage in our relations with them except the increased exchanges of commerce upon a basis of mutual benefit. We regret every civil contest that disturbs their peace and paralyzes their development, and are always ready to give our good offices for the restoration of peace. It must, however, be understood that this Government, while exercising the utmost forbearance toward weaker powers, will extend its strong and adequate protection to its citizens, to its officers, and to its humblest sailor when made the victims of wantonness and cruelty in resentment not of their personal misconduct, but of the official acts of their Government.

Upon information received that Patrick Shields, an Irishman and probably a British subject, but at the time a fireman of the American steamer *Keweenaw*, in the harbor of Valparaiso for repairs, had been subjected to personal injuries in that city, largely by the police, I directed the Attorney-General to cause the evidence of the officers and crew of that vessel to be taken upon its arrival in San Francisco, and that testimony is also

herewith transmitted. The brutality and even savagery of the treatment of this poor man by the Chilean police would be incredible if the evidence of Shields was not supported by other direct testimony and by the distressing condition of the man himself when he was finally able to reach his vessel. The captain of the vessel says:

> He came back a wreck, black from his neck to his hips from beating, weak and stupid, and is still in a kind of paralyzed condition, and has never been able to do duty since.

A claim for reparation has been made in behalf of this man, for while he was not a citizen of the United States, the doctrine long held by us, as expressed in the consular regulations, is:

> The principles which are maintained by this Government in regard to the protection, as distinguished from the relief, of seamen are well settled. It is held that the circumstance that the vessel is American is evidence that the seamen on board are such, and in every regularly documented merchant vessel the crew will find their protection in the flag that covers them.

I have as yet received no reply to our note of the 21st instant, but in my opinion I ought not to delay longer to bring these matters to the attention of Congress for such action as may be deemed appropriate.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 25, 1892.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the 23d instant from the Secretary of the Interior, submitting an extract from the report of the commission appointed under the act of January 12, 1891, entitled "An act for the relief of the Mission Indians in the State of California," and other papers relating to the exchange of lands with private individuals and the purchase of certain lands and improvements for the use and benefit of the Mission Indians, with draft of a bill to carry into effect the recommendations of said Mission Commission.

I have approved the report of the Mission Commission, except as much as relates to the purchase of lands from and exchange of lands with private individuals, which is also approved subject to the condition that Congress shall authorize the same.

The matter is presented with the recommendation for the early and favorable action of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, January 25, 1892.

To the Senate of the United States:

Referring to a communication of June 11, 1890, concerning the adoption by the Committee on Foreign Relations of a resolution respecting

the claim of William Webster against the Government of Great Britain, I herewith transmit a report of the Secretary of State, with accompanying documents, showing the action taken under that resolution.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, January 25, 1892.

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State, with accompaniments, in relation to the claim of the representatives of the late Hon. James Crooks, a British subject, against the Government of the United States for the seizure of the steamer *Lord Nelson* in 1812.

The favorable action of the Fiftieth and Fifty-first Congresses upon the bills heretofore introduced for the relief of the claimants makes it proper that I should recommend it anew for the consideration and final disposition of the present Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 28, 1892.*

To the Senate and House of Representatives:

I transmit herewith additional correspondence between this Government and the Government of Chile, consisting of a note of Mr. Montt, the Chilean minister at this capital, to Mr. Blaine, dated January 23; a reply of Mr. Blaine thereto of date January 27, and a dispatch from Mr. Egan, our minister at Santiago, transmitting the response of Mr. Pereira, the Chilean minister of foreign affairs, to the note of Mr. Blaine of January 21, which was received by me on the 26th instant. The note of Mr. Montt to Mr. Blaine, though dated January 23, was not delivered at the State Department until after 12 o'clock m. of the 25th, and was not translated and its receipt notified to me until late in the afternoon of that day.

The response of Mr. Pereira to our note of the 21st withdraws, with acceptable expressions of regret, the offensive note of Mr. Matta of the 11th ultimo, and also the request for the recall of Mr. Egan. The treatment of the incident of the assault upon the sailors of the *Baltimore* is so conciliatory and friendly that I am of the opinion that there is a good prospect that the differences growing out of that serious affair can now be adjusted upon terms satisfactory to this Government by the usual methods and without special powers from Congress. This turn in the affair is very gratifying to me, as I am sure it will be to the Congress and to our people. The general support of the efforts of the Executive to enforce the just rights of the nation in this matter has given an instructive and useful illustration of the unity and patriotism of our people.

Should it be necessary I will again communicate with Congress upon the subject.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 2, 1892.*

To the Senate of the United States:

In reply to a resolution of the Senate of the 27th ultimo, requesting the President "to advise the Senate as to what action, if any, has been taken * * * to cause careful soundings to be made between San Francisco, Cal., and Honolulu * * * for the purpose of determining the practicability of laying a telegraphic cable between those two points, or between any point on the Pacific coast and the Kingdom of the Hawaiian Islands," I inclose herewith a communication from the Secretary of the Navy, dated January 30, 1892.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 9, 1892.*

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of Representatives of the 13th of January last, a report from the Secretary of State and accompanying papers.*

BENJ. HARRISON.

EXECUTIVE MANSION, *February 10, 1892.*

To the Senate and House of Representatives:

I transmit herewith, as required by law, a communication of the 6th instant from the Secretary of the Interior, with the report of the Puyallup Indian Commission and accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 16, 1892.*

To the Senate and House of Representatives:

There was passed by the last Congress "An act for the protection of the lives of the miners in the Territories," which was approved by me on the 3d day of March, 1891. That no appropriation was made to enable me to carry the act into effect resulted, I suppose, from the fact that it was passed so late in the session. This law recognizes the necessity of a responsible public inspection and supervision of the business of mining in the interest of the miners, and is in line with the legislation of most of the States.

The work of the miner has its unavoidable incidents of discomfort and danger, and these should not be increased by the neglect of the owners to provide every practicable safety appliance. Economies which involve a sacrifice of human life are intolerable.

* Correspondence with Spain, Brazil, Salvador, and the Dominican Republic relative to reciprocal trade relations; copies of commercial arrangements entered into with those countries; list of import and export duties imposed by Brazil, Salvador, and the Dominican Republic, and by Spain with respect to Cuba and Puerto Rico.

I transmit herewith memorials from several hundred miners working in the coal mines in the Indian Territory, asking for the appointment of an inspector under the act referred to. The recent frightful disaster at Krebs, in that Territory, in which sixty-seven miners met a horrible death, gives urgency to their appeal, and I recommend that a special appropriation be at once made for the salaries and the necessary expenses of the inspectors provided for in the law.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 17, 1892.*

To the Senate and House of Representatives:

The Indian appropriation bill which was approved March 3, 1891, contains the following provision:

> And the sum of $2,991,450 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the Choctaw and Chickasaw nations of Indians for all the right, title, interest, and claim which said nations of Indians may have in and to certain lands now occupied by the Cheyenne and Arapahoe Indians under Executive order, said lands lying south of the Canadian River, and now occupied by the said Cheyenne and Arapahoe Indians; said lands have been ceded in trust by article 3 of the treaty between the United States and said Choctaw and Chickasaw nations of Indians which was concluded April 28, 1866, and proclaimed on the 10th day of August of the same year, and whereof there remains, after deducting allotments as provided by said agreement, a residue ascertained by survey to contain 2,393,160 acres; three-fourths of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of said Choctaw Nation, and one-fourth of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Chickasaw Nation to receive the same, at such times and in such sums as directed and required by the legislative authority of said Chickasaw Nation; this appropriation to be immediately available and to become operative upon the execution by the duly appointed delegates of said respective nations specially authorized thereto by law of releases and conveyances to the United States of all the right, title, interest, and claim of said respective nations of Indians in and to said land (not including Greer County, which is now in dispute), in manner and form satisfactory to the President of the United States; and said releases and conveyances, when fully executed and delivered, shall operate to extinguish all claim of every kind and character of said Choctaw and Chickasaw nations of Indians in and to the tract of country to which said releases and conveyances shall apply.

If this section had been submitted to me as a separate measure, especially during the closing hours of the session, I should have disapproved it; but as the Congress was then in its last hours a disapproval of the general Indian appropriation bill, of which it was a part, would have resulted in consequences so far-reaching and disastrous that I felt it my duty to approve the bill. But as a duty was devolved upon me by the section quoted, viz, the acceptance and approval of the conveyances provided for, I have felt bound to look into the whole matter, and in view of the facts which I shall presently mention to postpone any Executive action

until these facts could be submitted to Congress. Very soon after the passage of the law it came to my knowledge that the Choctaw Legislature had entered into an agreement with three citizens of that tribe to pay to them as compensation for procuring this legislation 25 per cent of any appropriation that might be made by Congress. The amount to be secured by these three agents under this agreement out of the three-fourths interest in the appropriation of the Choctaw Nation is $560,896. I have information that a contract was made by the Chickasaws to pay about 10 per cent of their one-fourth interest to the agents and attorneys who represented them.

Within a month after the passage of the law R. J. Ward, one of the agents, who was to divide with his associates the enormous sum to be paid by the Choctaws, presented to me an affidavit dated April 4, 1891, which is herewith submitted. It appears from his statement that the action of the Choctaw Council in this matter was corruptly influenced by the execution of certain notes signed by Ward for himself and his associates in sums varying from $2,500 to $15,000. His associates deny any knowledge of this, but the giving and existence of these notes is not refuted. The statement of the two associates of Ward denying any knowledge or participation in this fraud is also submitted, together with other papers relating to the matter. Whatever may be the fact as to the use or nonuse of corrupt methods to secure this legislation from the Choctaw Council, I do not think the Congress of the United States should so legislate upon this matter as to give effect to such a contract, which I am sure must have been unnoticed when the measure was pending. If the relations of these Indians to the United States are those of a ward, Congress should protect them from such extortionate exactions. We can not assume that the expenses and services of a committee of three persons to represent this claim before Congress should justly assume such proportions. The making of such a contract seems to convey implications which I am sure are wholly unjust.

After the passage of the appropriation bill legislation was had by the Choctaw Nation looking to the completion of the contract made with their delegates as to the payment of this money; but subsequently, when it was supposed that this extraordinary arrangement might require me to bring the matter to the attention of Congress, an act was passed by the Choctaw General Council, approved October 19, 1891, declaring all contracts made by the Choctaw delegates with any attorneys in connection with this appropriation void and of no effect. A copy of this law will be found with the papers submitted. There has also been submitted to me an unofficial copy of the opinion of the attorney-general of the Choctaw Nation holding that this last legislation is unconstitutional and void. I am of the opinion that if this appropriation is to stand provision should be made for protecting these tribes against extortionate claims for compensation in procuring action by Congress. Copies of the several laws

passed by the Choctaw Nation with reference to this matter will be found in the accompanying papers. It will be noticed that the distribution proposed is limited to Choctaws by blood, excluding the freedmen and the white men who have been given full citizenship from any participation. A protest against this method of distribution has been filed by a white citizen of the tribe, and also a representation by Hon. Thomas C. Fletcher, their attorney, on behalf of the freedmen. In view of the fact that the stipulations of the treaty of 1866 in behalf of the freedmen of these tribes have not, especially in the case of the Chickasaws, been complied with, it would seem that the United States should in a distribution of this money have made suitable provision in their behalf. The Chickasaws have steadfastly refused to admit the freedmen to citizenship, as they stipulated to do in the treaty referred to, and their condition in that tribe and in a lesser degree in the other strongly calls for the protective intervention of Congress.

After a somewhat careful examination of the question I do not believe that the lands for which this money is to be paid were, to quote the language of section 15 of the Indian appropriation bill, already set out, "ceded in trust by article 3 of the treaty between the United States and said Choctaw and Chickasaw nations of Indians which was concluded April 28, 1866," etc. It is agreed that that treaty contained no express limitation upon the uses to which the United States might put the territory known as the leased district. The lands were ceded by terms sufficiently comprehensive to have passed the full title of the Indians. The limitation upon the use to which the Government might put them is sought to be found in a provision of the treaty by which the United States undertook to exclude white settlers and in the expressions found in the treaties made at the same time with the Creeks and other tribes of the purpose of the United States to use the lands ceded by those tribes for the settlement of friendly Indians.

The stipulation as to the exclusion of white settlers might well have reference solely to the national lands retained by the Choctaw and Chickasaw tribes, and the reason for the nonincorporation in the treaty with them of a statement of the purpose of the Government in connection with the use of the lands is well accounted for by the fact that as to these lands the Government had already, under the treaty of 1855, secured the right to use them perpetually for the settlement of friendly Indians. This was not true as to the lands of the other tribes referred to. The United States paid to the Choctaws and Chickasaws $300,000, and the failure to insert the words that are called words of limitation in this treaty points, I think, clearly to the conclusion that the commissioners on the part of the Government and the Indians themselves must have understood that this Government was acquiring something more than a mere right to settle friendly Indians, which it already possessed, and something more than the mere release of the right which the Choctaws

and Chickasaws had under the treaty of 1855 to select locations on these lands if they chose.

Undoubtedly it was the policy of this Government for the time to hold these and the adjacent lands as Indian country, and many of the expressions in the proclamations of my predecessors and in the reports of the Indian Bureau and of the Secretary of the Interior mean this and nothing more. This is quite different from a conditional title, which limits the grant to a particular use and works a reinvestment of full title in the Indian grantors when that use ceases. But those who hold most strictly that a use for Indian purposes, where it is expressed, is a limitation of title seem to agree that the United States might pass a fee absolute to other Indian tribes in the lands ceded for their occupancy. Certainly it was not intended that in settling friendly Indians upon these lands the Government was to be restrained in its policy of allotment and individual ownership. If for an adequate consideration, by treaty, the United States placed upon these lands other Indian tribes, it was competent to give them patents in fee for a certain and agreed reservation. This being so, when the policy of allotment is put into force the compensation for the unused lands should certainly go to the occupying tribe, which in the case supposed had paid a full consideration for the whole reservation.

It will hardly be contended that in such case this Government should pay twice for the lands. In the appropriation under discussion this principle is in part recognized, for no claim is made by the Choctaws and Chickasaws for the lands allotted to the Cheyennes and Arapahoes. The claim is for unallotted or surplus lands. The case of the Cheyennes and Arapahoes is this: In consideration of other lands the Government gave them a treaty reservation in the Cherokee Outlet, but never perfected it by paying the Cherokees the stipulated price and placing these Indians upon it. The Cheyennes and Arapahoes declined to go upon the strip and located themselves farther south, where they now are. The Government subsequently recognized their right to remain there, and set apart the lands now being allotted to members of that tribe and the lands for which payment is now claimed by the Choctaws and Chickasaws as the Cheyenne and Arapahoe Reservation. I think the United States must be held to have assented to the substitution of these lands for the treaty lands in the Cherokee Strip, and that being true, when the reservation is broken up, as now, by allotments, it would seem that the Cheyennes and Arapahoes were entitled to be compensated for these surplus lands. In fact, a commission which has been dealing with the tribes in the Indian Territory has concluded an arrangement with them by which the Government pays $1,500,000 for these surplus lands and for the release of any claim to the Cherokee Strip, so that in fact in this agreement with the Cheyennes and Arapahoes the Government has paid for the lands for which payment is now claimed by the Choctaws and Chickasaws.

It should not be forgotten also that the allotment to the Cheyennes

and Arapahoes is still incomplete. The method of calculation which resulted in stating the claim of the Choctaws and Chickasaws at $2,991,450 is explained by a letter of Mr. J. S. Standley, one of the Choctaw delegates, dated April 6, 1891. The agent for the Cheyennes and Arapanoes wrote Mr. Standley that there were 600 Indians residing upon the lands south of the Canadian River, and who it was supposed would take allotments there, and upon this statement the legislation was based. Now it must be borne in mind that the Cheyennes and Arapahoes have the right to locate anywhere within their reservation, and that instead of 600 double that number might have taken their allotments south of the Canadian River upon these lands. This is not probable, but a later report indicates that the number will certainly be in excess of 600. If the sum to be paid to the Choctaws and Chickasaws depended upon a knowledge of the number of acres of unallotted land south of the Canadian River, it would seem to have been reasonable that the appropriation should have been delayed until the exact number of acres taken for allotment had been officially ascertained. This has not yet been done.

It is right also, I think, that Congress in dealing with this matter should have the whole question before it, for the declaration of Indian title contained in this item of appropriation extends to a very large body of land and will involve very large future appropriations. The Choctaw and Chickasaw leased district, embracing the lands in the Indian Territory between the ninety-eighth and one hundredth degrees of west longitude and extending north and south from the main Canadian River to the Red River, including Greer County, contains, according to the public surveys, 7,713,239 acres, or, excluding Greer County, 6,201,663 acres. This leased district is occupied as follows:

Greer County, by white citizens of Texas, 1,511,576 acres. The United States is now prosecuting a case in the courts to obtain a judicial declaration that this county is part of the Indian country. If a decision should be rendered in its favor, the claim of the Choctaws and Chickasaws to be paid for these lands at the rate named in this appropriation would at once be presented.

The Wichita Reservation is also upon the leased lands and is occupied by the Wichitas, Caddoes, Delawares, and remnants of other tribes by Department orders, made to depend upon the treaty with the Delawares in 1866 and some other unratified agreements with tribes or fragments of tribes in 1872. This reservation contains 743,610 acres.

The Kiowa, Comanche, and Apache Reservation is occupied by those Indians under a treaty proclaimed August 25, 1868, which provides that said district of country "shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the tribes herein named, and for such friendly tribes or individual Indians as from time to time they may be willing (with the consent of the United States) to admit among them." This reservation contains 2,968,893 acres.

The Cheyennes and Arapahoes, whose surplus lands are to be paid for by this appropriation, have occupied the country between the Washita and Canadian rivers, extending west to the one hundredth degree of longitude. This reservation contains 2,489,160 acres.

I have stated these facts in order that it may be seen what further appropriations are involved in a settlement for all these lands upon the basis which Congress has adopted. It does not seem to me to be a wise policy to deal with this question piecemeal. It would have been better, if a remnant of title remains in the Choctaws and Chickasaws to the lands in the leased district, to have settled the whole matter at once. Under the treaty of 1855 the Choctaws and Chickasaws quitclaimed any supposed interest of theirs in the lands west of the one hundredth degree. The boundary between the Louisiana purchase and the Spanish possessions by our treaty of 1819 with Spain was as to these lands fixed upon the one hundredth degree of west longitude.

Our treaty with the Choctaws and Chickasaws made in 1820 extended their grant to the limit of our possessions. It followed, of course, that these lands were included within the boundaries of the State of Texas when that State was admitted to the Union, and the release of the Choctaws and Chickasaws, whatever it was worth, operated for the benefit of the State of Texas and not of the United States. The lands became public lands of that State. For the release of this claim and for the lease of the lands west of the ninety-eighth degree the Government of the United States paid the sum of $800,000. In the calculations which have been made to arrive at the basis of the appropriation under discussion no part of this sum is treated as having been paid for the lease. I do not think that is just to the United States. It seems probable that a very considerable part of this consideration must have related to the leased lands, because these were the lands in which the Indian title was recognized, and the treaty gave to the United States a permanent right of occupation by friendly Indians. The sum of $300,000, paid under the treaty of 1866, is deducted, as I understand, in arriving at the sum appropriated. It seems to me that a considerable proportion of the sum of $800,000 previously paid should have been deducted in the same manner.

I have felt it to be my duty to bring these matters to the attention of Congress for such action as may be thought advisable.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 24, 1892.*

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, the annual report of the World's Columbian Commission; a supplementary report of the same commission, submitted February 16, 1892; the report of the board

appointed by me under section 16 of the act of April 25, 1890, to have charge of the exhibit to be made by the Executive Departments, the Smithsonian Institution, the Fish Commission, and the National Museum; and the report of the board of lady managers, provided for by section 6 of the act referred to.

The information furnished by these reports as to the progress of the work is not only satisfactory, but highly gratifying. The plan and scope adopted and the site and buildings selected and now being erected are fully commensurate with the national and international character of the enterprise contemplated by the legislation of Congress. The Illinois corporation has fully complied with the condition of the law that $10,000,000 should be provided, and the Government commission reports that "the grounds and buildings will be the most extensive, adequate, and ornate ever devoted to such purposes." It seems, however, that from five to eight millions of dollars more will, in the opinion of the local board and the national commission, be necessary to prepare the exposition for a complete and successful inauguration. It will be noticed from the reports that it was first proposed by the local commission to ask of Congress a loan of $5,000,000, to be repaid from receipts, and that the national commission approved this suggestion. Subsequently the Illinois exposition corporation reconsidered its action and determined to ask a subscription of $5,000,000.

The supplementary report of the national commission seems to approve this amended proposition. I have not myself that detailed information as to the financial necessities of the enterprise which would enable me to form an independent judgment of the additional amount necessary, and am not, therefore, prepared to make any specific recommendation to Congress upon the subject. The committees of Congress having this matter in charge will undoubtedly obtain full and accurate information before final action. The exposition, notwithstanding the limitations which the act contains, is an enterprise to which the United States is so far committed that Congress ought not, I think, to withhold just and reasonable further support if the local corporation consents to proper conditions.

Liberality on the part of the United States is due to the foreign nations that have responded in a friendly way to the invitation of this Government to participate in the exposition, and will, I am sure, meet the approval of our people. The exposition will be one of the most illustrious incidents in our civic history.

I transmit also certain resolutions adopted by representatives of the National Guard of the various States appointed by the governors to attend a convention which was held in Chicago on the 27th of October, 1891, with a view to consider the subject of holding a military encampment at Chicago during the exposition.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 25, 1892.*

To the Senate and House of Representatives:

I transmit herewith copy of a memorial of the Wichitas, Caddoes, and affiliated tribes of Indians in Oklahoma Territory in the matter of their claim to the lands they occupy, for consideration in connection with the agreement concluded by and between the Cherokee Commission and said Indians, and also with my communication of the 17th instant,* relative to the act to pay the Choctaw and Chickasaw Indians for certain lands now occupied by the Cheyenne and Arapahoe Indians.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, March 8, 1892.

To the Senate:

I herewith transmit, with a view to its ratification, a convention signed at Washington the 29th of February, 1892, between the Governments of the United States and Her Britannic Majesty, submitting to arbitration the questions which have arisen between those Governments concerning the jurisdictional rights of the United States in the waters of the Bering Sea, and concerning also the preservation of the fur seal in and habitually resorting to the said sea and the rights of the citizens and subjects of either country as regards the taking of fur seal in or habitually resorting to the said waters.

The correspondence not heretofore submitted to Congress in relation to the Bering Sea matter is in course of preparation and will be transmitted without delay.

BENJ. HARRISON.

EXECUTIVE MANSION, *March 9, 1892.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the 5th instant from the Secretary of the Interior, submitting the agreement concluded by and between the commissioners for the United States and the Cherokee Nation of Indians of the Indian Territory, for the cession of certain lands and for other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, March 18, 1892.

To the Senate:

I herewith transmit, in answer to the resolution of the Senate of the 3d ultimo, a report from the Acting Secretary of State of the 17th instant,

*See pp. 5664-5669.

transmitting information relative to and his opinion as to the purchase of the unpublished correspondence and manuscripts of President James Monroe.

BENJ. HARRISON.

EXECUTIVE MANSION, *March 24, 1892.*

To the Senate and House of Representatives:

I transmit herewith a communication from the Board of Commissioners of the District of Columbia, accompanied by a letter from the chairman of the executive committee organized by the citizens of Washington for the reception and entertainment of the Twenty-sixth Annual Encampment of the Grand Army of the Republic, which is to be held in Washington during September next. An appeal is made for an appropriation by Congress of $100,000, one-half to be paid out of the District revenues, to aid in defraying the expenses attending this reception.

The event is one of very high and, as I believe, of national interest, and the attendance of the surviving Union soldiers will, I do not doubt, be larger than at any annual encampment that has ever been held. The public authorities of the cities or States, or both, in which the encampments have been held have, I believe, usually appropriated liberally to make the occasions worthy and the entertainment hospitable. The parade of the survivors of our great armies upon Pennsylvania avenue will bring vividly back to us those joyful and momentous days when the great victorious armies of the East and of the West marched through the streets of Washington in high parade and were received by our citizens with joyful acclaim. It seems to me that it will be highly appropriate for Congress suitably to aid in making this demonstration impressive and in extending to those soldiers whose lives a beneficent Providence has prolonged an opportunity to see in the security and peace, development and prosperity, which now so happily pervade the national capital the fruits of their sacrifice and valor.

BENJ. HARRISON.

EXECUTIVE MANSION, *April 1, 1892.*

To the Senate of the United States:

In compliance with a resolution of the 30th ultimo, the House of Representatives concurring, I return herewith the bill (S. 1057) entitled "An act to punish the unlawful appropriation of the use of the property of another in the District of Columbia."

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, April 1, 1892.

To the Senate:

I herewith transmit, in answer to the resolutions of the Senate of the 16th and 21st ultimo, a report from the Acting Secretary of State, with

accompanying statistics, showing the duties imposed by the Governments of Venezuela and Colombia upon products of the United States imported into these countries.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, April 4, 1892.

To the Senate:

I transmit, in reply to the resolution of the Senate passed in executive session on March 14, 1892, a report from the Secretary of State, with accompanying documents, in relation to the correspondence relating to the nonacceptance of Hon. Henry W. Blair as minister of the United States to the Government of China.

BENJ. HARRISON.

To the Senate:

EXECUTIVE MANSION, *April 12, 1892.*

I transmit, in reply to the resolution of the Senate under date of December 15, 1891, a report from the Secretary of State, with accompanying documents, in relation to the correspondence had with regard to the impressment into its service and punishment by the Government of Italy of Nicolino Mileo, a naturalized citizen of the United States.

BENJ. HARRISON.

To the Senate:

EXECUTIVE MANSION, *April 14, 1892.*

I herewith transmit, in response to the resolution passed in the Senate on the 10th of March, 1892, a report of the Secretary of State and the accompanying correspondence, had in relation to the claim of the Venezuela Steam Transportation Company for the said company's relief.

BENJ. HARRISON.

To the Senate:

EXECUTIVE MANSION, *April 26, 1892.*

I have received the resolution of the Senate of April 23, requesting that, if not incompatible with the public interest, I inform the Senate what steps have been taken toward the securing of an international conference to consider the question of the free coinage of silver at the mints of the nations participating in such conference, or as to the enlarged use of silver in the currency system of said countries, and that I transmit to the Senate any correspondence between the United States and other governments upon the subject, and in response thereto beg respectfully to inform the Senate that in my opinion it would not be compatible with the public interest to lay before the Senate at this time the information requested, but that at the earliest moment after definite information can

properly be given all the facts and any correspondence that may take place will be submitted to Congress.

It may not be inappropriate, however, to say here that, believing that the full use of silver as a coined metal upon an agreed ratio by the great commercial nations of the world would very highly promote the prosperity of all their people, I have not and will not let any favorable opportunity pass for the promotion of that most desirable result, or, if free international silver coinage is not presently attainable, then to secure the largest practicable use of that metal.

BENJ. HARRISON.

EXECUTIVE MANSION, *May 11, 1892.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives, the Senate concurring, I return herewith the bill (H. R. 3927) entitled "An act to amend 'An act to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President,' approved January 19, 1886."

BENJ. HARRISON.

EXECUTIVE MANSION, *May 11, 1892.*

To the Senate and House of Representatives:

I transmit herewith the seventh annual report of the Commissioner of Labor, which report relates to the cost of producing textiles and glass in the United States and in Europe. It also comprehends the wages and the cost of living of persons employed in the textile and glass industries.

BENJ. HARRISON.

EXECUTIVE MANSION, *May 25, 1892.*

To the Senate and House of Representatives:

I transmit herewith a communication of the Secretary of War, dated May 24, from which and from the accompanying papers it appears that the late General George W. Cullum, of the United States Army, has by will devised $250,000 to the Government of the United States for the erection of a memorial hall upon the grounds of the Military Academy at West Point, to be used as a "receptacle of statues, busts, mural tablets, and portraits of distinguished deceased officers and graduates of the Military Academy, of paintings of battle scenes, trophies of war, and such other objects as may tend to give elevation to the military profession."

This ample and patriotic gift is hampered by no conditions and involves no appropriation beyond the sum so generously donated.

The executors in order to facilitate action have prepared, and the same is herewith submitted, the outline of a bill to carry into effect the provisions of General Cullum's will.

There can be no occasion to urge upon Congress the immediate enactment of a suitable law to carry into effect the patriotic purpose expressed in the will.

I suggest that in the bill itself, or by a separate joint resolution, suitable expression be given of the public appreciation of this crowning service to the military profession and to his country rendered by General Cullum.

BENJ. HARRISON.

EXECUTIVE MANSION, *May 25, 1892.*

To the Senate and House of Representatives:

In accordance with the provisions of section 4119 of the Revised Statutes of the United States, I lay before you for revision a copy of the regulations for the consular courts of the United States in Korea, as decreed by the minister of this Government at Seoul March 31, 1892. I also transmit an accompanying report by the Acting Secretary of State.

BENJ. HARRISON.

EXECUTIVE MANSION, *June 20, 1892.*

To the Senate of the United States:

The following resolution was passed by the Senate on the 24th day of February last:

Resolved, That the President be requested, if in his opinion not incompatible with the public interests, to inform the Senate of the proceedings recently had with the representatives of the Dominion of Canada and of the British Government as to arrangements for reciprocal trade between Canada and the United States.

In response thereto I now submit the following information:

On the 15th day of April last the Secretary of State submitted to me a report, which is herewith transmitted. Shortly after the report came into my possession I was advised by the Secretary that the British minister at this capital had informed him that the Canadian government desired a further conference on the subject of the discriminating canal tolls of which this country had complained. This information was accompanied by the suggestion that a response to the resolution of the Senate might properly be delayed until this further conference was held.

On the 3d instant the British minister, in connection with Hon. MacKenzie Bowell and Hon. George E. Foster, members of the Canadian ministry, were received by the Secretary of State and a further conference took place. In both of the conferences referred to Hon. John W. Foster, at the request of the Secretary of State, appeared with him on behalf of this Government; and the report of the latter conference was submitted to me on the 6th instant by Mr. Foster, and is herewith transmitted. The result of the conference as to the practicability of arranging a reciprocity treaty with the Dominion of Canada is clearly stated in

the letter of Mr. Blaine, and was anticipated, I think, by him and by every other thoughtful American who had considered the subject. A reciprocity treaty limited to the exchange of natural products would have been such only in form. The benefits of such a treaty would have inured almost wholly to Canada. Previous experiments on this line had been unsatisfactory to this Government. A treaty that should be reciprocal in fact and of mutual advantages must necessarily have embraced an important list of manufactured articles and have secured to the United States a free or favored introduction of these articles into Canada as against the world; but it was not believed that the Canadian ministry was ready to propose or assent to such an arrangement. The conclusion of the Canadian commissioners is stated in the report of Mr. Blaine as follows:

> In the second place, it seemed to be impossible for the Canadian government, in view of its present political relations and obligations, to extend to American goods a preferential treatment over those of other countries. As Canada was a part of the British Empire, they did not consider it competent for the Dominion government to enter into any commercial arrangement with the United States from the benefits of which Great Britain and its colonies should be excluded.

It is not for this Government to argue against this announcement of Canadian official opinion. It must be accepted, however, I think, as the statement of a condition which places an insuperable barrier in the way of the attainment of that large and beneficial intercourse and reciprocal trade which might otherwise be developed between the United States and the Dominion.

It will be noticed that Mr. Blaine reports as one of the results of the conference "an informal engagement to repeal and abandon the drawback of 18 cents a ton given to wheat (grain) that is carried through to Montreal and shipped therefrom to Europe. By the American railways running from Ogdensburg and Oswego and other American ports the shippers paid the full 20 cents a ton, while in effect those by the way of Montreal pay only 2 cents. It was understood that the Canadian commissioners, who were all three members of the cabinet, would see to the withdrawal of this discrimination."

From the report of the recent conference by Mr. Foster it will be seen that the Canadian commissioners declare that this statement does not conform to their understanding, and that the only assurance they had intended to give was that the complaint of the Government of the United States should be taken into consideration by the Canadian ministry on their return to Ottawa. Mr. Foster, who was present at the first conference, confirms the statements of Mr. Blaine. While this misunderstanding is unfortunate, the more serious phase of the situation is that instead of rescinding the discriminating canal tolls of which this Government complains the Canadian ministry, after the return of the commissioners from their visit to Washington, on April 4, reissued, without any communication with this Government, the order continuing the discrimination,

by which a rebate of 18 cents a ton is allowed upon grain going to Montreal, but not to American ports, and refusing this rebate even to grain going to Montreal if transshipped at an American port.

The report of Mr. Partridge, the Solicitor of the Department of State, which accompanies the letter of the Secretary of State, states these discriminations very clearly. That these orders as to canal tolls and rebates are in direct violation of Article XXVII of the treaty of 1871 seems to be clear. It is wholly evasive to say that there is no discrimination between Canadian and American vessels; that the rebate is allowed to both without favor upon grain carried through to Montreal or transshipped at a Canadian port to Montreal. The treaty runs:

> To secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.

It was intended to give to consumers in the United States, to our people engaged in railroad transportation, and to those exporting from our ports equal terms in passing their merchandise through these canals. This absolute equality of treatment was the consideration for concessions on the part of this Government made in the same article of the treaty, and which have been faithfully kept.

It is a matter of regret that the Canadian government has not responded promptly to our request for the removal of these discriminating tolls.

The papers submitted show how serious the loss inflicted is upon our lake vessels and upon some of our lake ports. In view of the fact that the Canadian commissioners still contest with us the claim that these tolls are discriminating and insist that they constitute no violation of the letter or spirit of Article XXVII of the treaty, it would seem appropriate that Congress, if the view held by the Executive is approved, should with deliberation and yet with promptness take such steps as may be necessary to secure the just rights of our citizens.

In view of the delays which have already taken place in transmitting this correspondence to Congress, I have not felt justified in awaiting the further communication from the government of Canada which was suggested in the recent conference.

Should any proposition relating to this matter be received it will be immediately submitted for the consideration of the Senate, and if forwarded within the time suggested will undoubtedly anticipate any final action by Congress.

BENJ. HARRISON.

To the Senate: EXECUTIVE MANSION, *June 20, 1892.*

In response to the resolution of the Senate dated March 14, 1892, requesting that certain specified correspondence in regard to the claim of

Antonio Maximo Mora against the Government of Spain be communicated to it, if not incompatible with the public interests, I transmit herewith the report of the Acting Secretary of State on the matter.

BENJ. HARRISON.

To the Senate:

EXECUTIVE MANSION, *June 27, 1892.*

In response to the resolution of the Senate dated April 6, 1892, directing the Secretary of State to send to the Senate, if not incompatible with the public interests, copies of all commercial agreements made with other countries, and also to report what steps have been taken to negotiate a reciprocal commercial treaty with Mexico, I submit herewith the reply of the Acting Secretary of State to that resolution.

BENJ. HARRISON.

To the Senate:

EXECUTIVE MANSION, *July 1, 1892.*

For the information of the Senate and in further response to the resolution of the Senate of February 24 last, I transmit herewith a communication of the 24th ultimo from Mr. Herbert, the acting representative of the British Government at this capital, addressed to Mr. Wharton, Acting Secretary of State, upon the subject of Canadian canal tolls; also a memorandum prepared and submitted to me by Mr. Adee, Second Assistant Secretary of State, reviewing the communication of Mr. Herbert, and a letter of the 28th ultimo from Mr. John W. Foster, who, as I have previously stated, with Mr. Blaine represented this Government in the conferences with the Canadian commissioners.

The position taken by this Government, as expressed in my previous communication to the Senate, that the canal tolls and regulations of which complaint has been made are in violation of our treaty with Great Britain, is not shaken, but rather confirmed.

There can be no doubt that a serious discrimination against our citizens and our commerce exists, and quite as little doubt that this discrimination is not the incident but the purpose of the Canadian regulation.

It has not seemed to me that this was a case in which we could yield to the suggestion of further concessions on the part of the United States with a view to securing treaty rights for which a consideration has already been given.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 21, 1892.*

To the Senate and House of Representatives:

I herewith transmit, for the information of Congress, a communication from the Secretary of State, forwarding certain bulletins of the American Republics.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 23, 1892.

To the Senate of the United States:

I transmit, in reply to the resolution of the Senate passed in executive session on the 21st instant and addressed to the Secretary of State, a report of that officer, with accompanying documents, in further relation to the nonacceptance of the Hon. Henry W. Blair as minister of the United States to the Government of China, which question was the occasion of my recent message to the Senate of the 4th of April last.*

BENJ. HARRISON.

EXECUTIVE MANSION, *July 25, 1892.*

To the Senate:

I herewith transmit, in reply to the resolution of the Senate of June 6, 1892, a report from the Secretary of State, with its accompanying papers, in relation to guano deposits on Arcas Cays or Islands.

BENJ. HARRISON.

WASHINGTON, D. C., *July 27, 1892.*

To the Senate and House of Representatives:

I transmit herewith, with its accompaniments, a report from the Secretary of the Navy of the results of the survey made pursuant to the act of March 2, 1891, "to enable the President to cause careful soundings to be made between San Francisco, Cal., and Honolulu, in the Kingdom of the Hawaiian Islands, for the purpose of determining the practicability of the laying of a telegraphic cable between those points."

BENJ. HARRISON.

VETO MESSAGES.

EXECUTIVE MANSION, *July 19, 1892.*

To the Senate:

I return herewith without my approval the bill (S. 2729) entitled "An act to amend an act entitled 'An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes.'"

The original act to which this amendment is proposed, constituting an intermediate court of appeals, had for its object the relief of the Supreme Court by limiting the cases which might be brought up for hearing in that court. The first section of the bill under consideration allows appeals in criminal cases where the sentence imposes no imprisonment and the fine is as much as $1,000. The effect of this provision will be to

* See p. 5673.

bring to the Supreme Court many cases that in my opinion should be finally determined in the intermediate appellate court, and so in part to defeat the general purpose of Congress in constituting the intermediate court. But this objection would not alone have sufficient weight in my mind to induce me to return the bill. Section 3 of the bill is as follows:

> That no appeal shall hereafter be allowed from judgments of the Court of Claims in cases under the act of March 3, 1891, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," except where the adjudication involves the construction or application of the Constitution or the validity or construction of a treaty or the constitutionality of a law of the United States: *Provided, however*, That upon such appeal it shall be competent for the Supreme Court to require, by certiorari or otherwise, the whole case to be certified for its review and determination upon the facts as well as the law.

I am advised by the Attorney-General that under the Indian-depredations act 8,000 cases, involving an aggregate of damages claimed of about $30,000,000, have already been filed. A number of these cases involve as much as $100,000 each, while a few involve as much as $500,000 each and one something over $1,000,000. The damages which may be awarded in these cases by the Court of Claims are to be paid out of the trust funds of the Indians held by the United States, or, if there are no such funds, out of the Treasury of the United States. The law referring these cases to the Court of Claims has had no judicial interpretation, and many novel and difficult questions are likely to arise. It is quite a startling proposition, and a very novel one, I think, that there shall be absolutely no opportunity for the review in an appellate court, in cases involving such large amounts, of questions involving the construction of the statute under which the court is proceeding, or those various questions of law, many of them new, which necessarily arise in such cases.

Neither the claimants, the Indians, nor the Government of the United States should be absolutely denied opportunity to bring their exceptions to review by some appellate tribunal. I would not suggest that an appeal should be allowed in all cases. Some limitation as to amount would be reasonable, and perhaps some discretion might be lodged in the Supreme Court as to granting appeals. The limitations, however, imposed by the section I have quoted are so severe and unreasonable, in my judgment, that I have felt compelled to return the bill to the Senate with a view to its reconsideration.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 29, 1892.*

To the Senate:

I return herewith without my approval the bill (S. 1958) entitled "An act to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes."

This bill came to me on the 20th instant, at a time when very many

other bills were submitted for my consideration, and it has not been possible for me to make such an examination of the history of Mr. McGarrahan's claim as would be necessary to form an intelligent judgment as to its merits and just extent. It is quite possible that he has been wronged and that he has a claim for some reparation from the Government. I can not, however, think that this bill proceeds upon a just basis. It provides that Mr. McGarrahan shall file his claim as the assignee of Gomez in the Court of Private Land Claims for the lands described in the title, and that if the court establishes the grant to Gomez it shall be confirmed to McGarrahan. No evidence that he is the assignee of Gomez is, I think, required by the bill, which assumes that fact instead of submitting it to the court. If the claim is established, it is provided in substance that all lands part of said grant which have been conveyed by the Government or are in the occupancy of actual settlers, or "upon which there are any smelting or reduction works, or the lands claimed in connection with such reduction or smelting works," shall be excepted from the patent which the Secretary of the Interior is directed to issue to McGarrahan. By this provision the title of the New Idria Mining Company, which has long contested with McGarrahan the title to a large part of this property, is established and that company is relieved from any responsibility to account for the profits made in mining. On the other hand, the United States waives all benefit of judicial proceedings which have resulted in its favor and gives Mr. McGarrahan an opportunity *de novo* to try all such questions; and the decision, if in his favor, is not only to restore to him all the lands yet undisposed of, but the United States assumes to pay him the value of the lands appropriated by others and of their use for all these years and to account to him for all profits that have been made by the New Idria Mining Company or anyone else in quicksilver or other mining.

This seems to me to be wholly inadmissible. The amount involved must be enormously large, though at present incapable of any accurate estimate. If the title of the New Idria Company has been established by final decrees of court placing that title beyond question and that company beyond any call to respond for use and profits, why should the Government of the United States, waiving in its behalf these decrees, which would protect it also, assume a responsibility to account for the value of the lands and for their use and for the net value of minerals extracted by that company or others? It will be noticed in the quotation I have made from the act that this company is allowed to take all the land it may claim, but at the expense of the United States, not of Mr. McGarrahan.

The bill is so framed as to give full protection to the New Idria Mining Company to the full extent of its largest claim, while throwing upon the United States a responsibility which that company should bear if the title of Mr. McGarrahan is established.

The United States provided a proper tribunal for the trial of claims founded upon Mexican grants. This claim was there tried, and if fraud affected the judgment it is not, I think, chargeable to the Government; the contest was chiefly between rival claimants. In this state of the case it would seem that if the United States consents to open the litigation and to wipe out all judicial findings and decrees a less exacting measure of damages than that proposed in the bill should be agreed on.

It is not my purpose, as I have intimated, to express the opinion that Mr. McGarrahan is entitled to no relief. It seems to me, however, clear that he is not entitled to the relief given by this bill, and that it does not adequately protect the interests of the United States.

BENJ. HARRISON.

EXECUTIVE MANSION, *August 3, 1892.*

To the Senate:

I return herewith without my approval the bill (S. 1111) entitled "An act to amend the act of Congress approved March 3, 1887, entitled 'An act to provide for the bringing of suits against the Government of the United States.'"

If I may judge from the very limited discussion of this measure in Congress, the sweeping effects of it upon the administration of the public lands could hardly have been fully realized. From the beginning of the Government the administration of the public lands and the issuing of patents under the land laws have been an Executive function.

The jurisdiction of the courts as to contesting claims for patents has awaited the action of the General Land Office. Land offices have been established and maintained in all the districts where public lands were found, located with reference to the convenience of the settlers, and the proceedings have been informal and inexpensive. It is true that at times, by an administration of the Land Office unfriendly toward the settlers, unnecessary delays involving much hardship have intervened in the issuing of patents, but such is not the case now. The work of the Land Office within the last three years has been so efficient and so friendly to the *bona fide* settler that the large accumulation of cases there has been swept away, and the office, as I am informed by the Secretary of the Interior, is now engaged upon current business.

It seems to me that a transfer in whole or in part of this business to the courts, some of whose dockets are already loaded with cases, can not tend to expedition, while it is very manifest that, by reason of the greater formality in the taking and presentation of evidence which would be required in court and of the long distances which settlers would have to traverse in order to attend court, the costs in such cases would be enormously increased.

It is proposed by this bill to give what is called concurrent jurisdiction

to the district courts of the United States and to the Court of Claims to hear and determine all claims for land patents under any law or grant of the United States. Whether concurrent with each other or with each other and the Land Office is not clear.

It is quite doubtful under the rulings of the Supreme Court whether the courts now provided by law for the Territories are "district courts of the United States" within the meaning of this bill. The effect of this legislation would, if they were held not to be such, be that as to all suits relating to lands in the Territories of New Mexico, Arizona, Utah, and Oklahoma no other forum is provided than the Court of Claims at Washington. In this state of the case a settler, or one who has taken a mineral claim in any of these Territories, would be subject to be brought to the city of Washington for the trial of his case.

In view of the fact that all recent legislation of Congress has been in the direction of subdividing judicial districts and of bringing the United States courts nearer to the litigants, I can only attribute to oversight the passage of this bill, which in my opinion would burden the homesteader and preemptor whose claim is contested, whether by another individual or by any corporation, by compelling him to appear at Washington and to conduct with the formality and expense incident to court proceedings the defense of his title. But even in the case of land contests arising in the States where district courts exist the plaintiff, it will be observed, by this act is given the option to sue in those courts or to bring his adversary to Washington to litigate the claim. Why should he have this advantage, one that is not given so far as I know in any other law fixing the forum of litigation between individuals? Not only is this true, but the Court of Claims was established for the trial of cases between individuals and corporations on the one side and the United States on the other, and so far as I now recall wholly for the trial of money claims.

There are no adequate provisions of law, if any at all, for conducting suits between individuals contesting private rights. The court has one bailiff and one messenger, no marshal, and is not provided, I think, either with the machinery or with the appropriation to send its processes to the most distant parts of the country. Yet it is apparent that under this bill the real issue would frequently be between rival claimants, and not between either and the United States. This court, too, is already burdened with business since the reference to it of the Indian depredation claims, the French spoliation claims, etc., and it certainly can not be thought that a more speedy settlement of land claims could be there obtained than is now given.

Again, the bill is so indefinite in its provisions that it can not be told, I think, what function, if any, remains to be discharged by the General Land Office. It was said in answer to an interrogatory when the bill was under consideration that it did not affect claims pending in the Land Office; and yet it seems to me that its effect is to allow any contestant

in the Land Office at any stage of the proceedings there to transfer the whole controversy to the courts. He may take his chances of success in the Land Office, and if at any time he becomes apprehensive of an adverse decision he may begin *de novo* in the courts.

If it was intended to preserve the jurisdiction of the Land Office and to hold cases there until a judgment had been reached, the bill should have so provided, for it is capable of, and indeed seems to me compels, the construction that either party may forsake the Land Office at any stage of a contest. I am quite inclined to believe that if provision were made, as in section 1063 of the Revised Statutes, relating to claims in other departments, for the transfer to a proper court, under proper regulations, of certain contest cases involving questions affecting large classes of claims, it would be a relief to the Land Office and would tend to a more speedy adjustment of land titles in such cases, a result which would be in the interest of all our people.

Nothing is more disadvantageous to a community, its progress and peace, than unsettled land titles. This bill, however, as I have said, is so radical and seems to me to be so indefinite in its provisions that I can not give it my approval.

BENJ. HARRISON.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas, pursuant to section 3 of the act of Congress approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," the Secretary of State of the United States of America communicated to the Government of Salvador the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3 to be exempt from duty upon their importation into the United States of America; and

Whereas the envoy extraordinary and minister plenipotentiary of Salvador at Washington has communicated to the Secretary of State the fact that, in reciprocity for the admission into the United States of America free of all duty of the articles enumerated in section 3 of said act, the Government of Salvador will by due legal enactment, as a provisional measure and until a more complete arrangement may be negotiated and put in operation, admit free of all duty, from and after February 1, 1892, into all the established ports of entry of Salvador the articles or merchandise

named in the following schedule, provided that the same be the product or manufacture of the United States:

SCHEDULE OF PRODUCTS AND MANUFACTURES WHICH THE REPUBLIC OF SALVADOR WILL ADMIT FREE OF ALL CUSTOMS, MUNICIPAL, AND ANY OTHER KIND OF DUTY.

1. Animals for breeding purposes.
2. Corn, rice, barley, and rye.
3. Beans.
4. Hay and straw for forage.
5. Fruits, fresh.
6. Preparations of flour in biscuits, crackers not sweetened, macaroni, vermicelli, and tallarin.
7. Coal, mineral.
8. Roman cement.
9. Hydraulic lime.
10. Bricks, fire bricks, and crucibles for melting.
11. Marble, dressed, for furniture, statues, fountains, gravestones, and building purposes.
12. Tar, vegetable and mineral.
13. Guano and other fertilizers, natural or artificial.
14. Plows and all other agricultural tools and implements.
15. Machinery of all kinds, including sewing machines, and separate or extra parts for the same.
16. Materials of all kinds for the construction and equipment of railroads.
17. Materials of all kinds for the construction and operation of telegraphic and telephonic lines.
18. Materials of all kinds for lighting by electricity and gas.
19. Materials of all kinds for the construction of wharves.
20. Apparatus for distilling liquors.
21. Wood of all kinds for building, in trunks or pieces, beams, rafters, planks, boards, shingles, or flooring.
22. Wooden staves, heads, and hoops, and barrels and boxes for packing, mounted or in pieces.
23. Houses of wood or iron, complete or in parts.
24. Wagons, carts, and carriages of all kinds.
25. Barrels, casks, and tanks of iron for water.
26. Tubes of iron and all other accessories necessary for water supply.
27. Wire, barbed, and staples for fences.
28. Plates of iron for building purposes.
29. Mineral ores.
30. Kettles of iron for making salt.
31. Kettles of iron for making sugar.
32. Molds for making sugar.
33. Guys for mining purposes.
34. Furnaces and instruments for assaying metals.
35. Scientific instruments.
36. Models of machinery and buildings.
37. Boats, lighters, tackle, anchors, chains, girtlines, sails, and all other articles for vessels, to be used in the ports, lakes, and rivers of the Republic.
38. Printing materials, including presses, type, ink, and all other accessories.
39. Printed books, pamphlets, and newspapers, bound or unbound, maps, photographs, printed music, and paper for music.
40. Paper for printing newspapers.
41. Quicksilver.
42. Loadstones.
43. Hops.

44. Sulphate of quinine.
45. Gold and silver in bars, dust, or coin.
46. Samples of merchandise the duties on which do not exceed $1.

It is understood that the packages or coverings in which the articles named in the foregoing schedule are imported shall be free of duty if they are usual and proper for the purpose.

And that the Government of Salvador has further stipulated that the laws and regulations adopted to protect its revenue and prevent fraud in the declarations and proof that the articles named in the foregoing schedule are the product or manufacture of the United States of America shall impose no additional charges on the importer nor undue restrictions on the articles imported; and

Whereas the Secretary of State has, by my direction, given assurance to the envoy extraordinary and minister plenipotentiary of Salvador at Washington that this action of the Government of Salvador in granting freedom of duties to the products and manufactures of the United States of America on their importation into Salvador and in stipulating for a more complete reciprocity arrangement is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above-stated modifications of the tariff laws of Salvador to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 31st day of December, 1891, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservation and the limits thereof.

And whereas the public lands in the Territory of New Mexico within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Benjamin Harrison, President of the United States,

by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the Territory of New Mexico and particularly described as follows, to wit:

Commencing at the standard corner to township seventeen (17) north, ranges thirteen (13) and fourteen (14) east (New Mexico principal base and meridian) on the fourth (4th) standard parallel north; thence northerly along the range line between ranges thirteen (13) and fourteen (14) east to the closing corner between ranges thirteen (13) and fourteen (14) east on the fifth (5th) standard parallel north; thence along said fifth (5th) standard parallel to the southeast corner of township twenty-one (21) north, range thirteen (13) east; thence north six (6) miles; thence west twelve (12) miles; thence due south to the fifth (5th) standard parallel; thence westerly on said fifth (5th) standard parallel to a point due north of the northwest corner of township seventeen (17) north, range eleven (11) east; thence south to the fourth (4th) standard parallel; thence westerly on said fourth (4th) standard parallel north seven and sixty-two one-hundredths (7.62) chains to the northwest corner of township sixteen (16) north, range eleven (11) east; thence southerly on the range line between townships sixteen (16) north, ranges ten (10) and eleven (11) east, three (3) miles and three and forty-three hundredths (3.43) chains to the corner to sections thirteen (13), eighteen (18), nineteen (19), and twenty-four (24) on said range line; thence easterly along the section lines to the range line between ranges eleven (11) and twelve (12) east; thence northerly three (3) miles and three (3) chains to the fourth (4th) standard parallel north; thence easterly on said fourth (4th) standard parallel eight (8) and fifty-hundredths (8.50) chains to the standard corner to township seventeen (17) north, ranges eleven (11) and twelve (12) east; thence northerly on the range line to the southwest corner of township eighteen (18) north, range twelve (12) east; thence easterly on the township line six (6) miles one and six-hundredths (1.06) chains to the southeast corner of township eighteen (18) north, range twelve (12) east; thence south six (6) miles to the fourth (4th) standard parallel north; thence east along said fourth (4th) standard parallel to the place of beginning.

Excepting from the force and effect of this proclamation all land which may have been prior to the date hereof embraced in any valid Spanish or Mexican grant or in any legal entry or covered by any lawful filing duly made in the proper United States land office, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman or claimant continues to comply with the law under which the entry, filing, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of January, A. D. 1892, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to section 3 of the act of Congress approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," the attention of the Government of Great Britain was called to the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3 to be exempt from duty upon their importation into the United States of America; and

Whereas the envoy extraordinary and minister plenipotentiary of Great Britain at Washington has communicated to the Secretary of State the fact that, in view of the act of Congress above cited, the Government of Great Britain has by due legal enactment authorized the admission, from and after February 1, 1892, of the articles in merchandise named in the following schedules, on the terms stated therein, into the British colonies of Trinidad (which includes Tobago), Barbados, the Leeward Islands (consisting of the islands of Antigua, Montserrat, St. Christopher, Nevis, Dominica, with their respective dependencies, and the Virgin Islands), the Windward Islands (consisting of St. Lucia, St. Vincent, and their dependencies, but exclusive of Grenada and its dependencies), and into the colony of British Guiana on and after April 1, 1892:

TABLE NO. 1.—APPLICABLE TO BRITISH GUIANA, TRINIDAD AND TOBAGO, BARBADOS, THE LEEWARD ISLANDS, AND THE WINDWARD ISLANDS EXCEPTING THE ISLAND OF GRENADA.

SCHEDULE A.

Articles to be admitted free of all customs duty and any other national, colonial, or municipal charges:

1. Animals, alive, to include only asses, sheep, goats, hogs, and poultry, and horses for breeding.
2. Beef, including tongues, smoked and dried.
3. Beef and pork preserved in cans.
4. Belting for machinery, of leather, canvas, or india rubber.
5. Boats and lighters.
6. Books,* bound or unbound, pamphlets, newspapers, and printed matter in all languages.
7. Bones and horns.
8. Bottles of glass or stone ware.
9. Bran, middlings, and shorts.

*The importation of books is subject to the provisions of copyright laws.

10. Bridges of iron or wood, or of both combined.
11. Brooms, brushes, and whisks of broom straw.
12. Candles, tallow.
13. Carts, wagons, cars, and barrows, with or without springs, for ordinary roads and agricultural use, not including vehicles of pleasure.
14. Clocks, mantel or wall.
15. Copper, bronze, zinc, and lead articles, plain and nickel plated, for industrial and domestic uses and for building.
16. Cotton seed and its products.
17. Crucibles and melting pots of all kinds.
18. Eggs.
19. Fertilizers of all kinds, natural and artificial.
20. Fish, fresh or on ice, and salmon and oysters in cans.
21. Fishing apparatus of all kinds.
22. Fruits and vegetables, fresh and dried, when not canned, tinned, or bottled.
23. Gas fixtures and pipes.
24. Gold and silver coin of the United States, and bullion.
25. Hay and straw for forage.
26. Houses of wood, complete.
27. Ice.
28. India-rubber and gutta-percha goods, including waterproof clothing made wholly or in part thereof.
29. Implements, utensils, and tools for agriculture, exclusive of cutlasses and forks.
30. Lamps and lanterns.
31. Lime of all kinds.
32. Locomotives, railway rolling stock, rails, railway ties, and all materials and appliances for railways and tramways.
33. Marble or alabaster, in the rough or squared, worked or carved, for building purposes or monuments.
34. Medicinal extracts and preparations of all kinds, including proprietary or patent medicines, but exclusive of quinine or preparations of quinine, opium, gange, and bhang.
35. Paper of all kinds for printing.
36. Paper of wood or straw for wrapping and packing, including surface coated or glazed.
37. Photographic apparatus and chemicals.
38. Printers' ink, all colors.
39. Printing presses, types, rules, spaces, and all accessories for printing.
40. Quicksilver.
41. Resin, tar, pitch, and turpentine.
42. Salt.
43. Sewing machines and all parts and accessories thereof.
44. Shipbuilding materials and accessories of all kinds, when used in the construction, equipment, or repair of vessels or boats of any kind, except rope and cordage of all kinds, including wire rope.
45. Starch of Indian corn or maize.
46. Steam and power engines, and machines, machinery, and apparatus, whether stationary or portable, worked by power or by hand, for agriculture, irrigation, mining, the arts and industries of all kinds, and all necessary parts and appliances for the erection or repair thereof or the communication of motive power thereto.
47. Steam boilers and steam pipes.
48. Sulphur.
49. Tan bark of all kinds, whole or ground.
50. Telegraph wire, telegraphic, telephonic, and electrical apparatus and appliances of all kinds for communication or illumination.
51. Trees, plants, vines, and seeds and grains of all kinds, for propagation or cultivation.

52. Varnish, not containing spirits.
53. Wall papers.
54. Watches when not cased in gold or silver, and watch movements uncased.
55. Water pipes of all classes, materials, and dimensions.
56. Wire for fences, the hooks, staples, nails, and the like appliances for fastening the same.
57. Yeast cake and baking powders.
58. Zinc, tin, and lead, in sheets, asbestus, and tar paper, for roofing.

It is understood that the packages or coverings in which the articles named in the foregoing schedule are imported shall be free of duty if they are usual and proper for the purpose.

SCHEDULE B.

Articles to be admitted at 50 per cent reduction of the duty designated in the respective customs tariff now in force in each of said colonies:

1. Bacon and bacon hams.
2. Boots and shoes made wholly or in part of leather.
3. Bread and biscuit.
4. Cheese.
5. Lard and its compounds.
6. Mules.
7. Oleomargarine.
8. Shooks and staves.

SCHEDULE C.

Articles to be admitted at 25 per cent reduction of the duty designated in the respective customs tariff now in force in each of said colonies:

1. Beef, salted or pickled.
2. Corn or maize.
3. Corn meal.
4. Flour of wheat.
5. Lumber of pitch pine, in rough or prepared for buildings.
6. Petroleum and its products, crude or refined.
7. Pork, salted or pickled.
8. Wheat.

It is understood that No. 4 of this schedule shall not apply to the colony of Trinidad, but it is stipulated that the duty on flour in said colony shall not exceed 75 cents per barrel.

And that the Government of Great Britain has by due legal enactment authorized the admission, from and after February 1, 1892, of the articles or merchandise named in the following schedules, on the terms stated therein, into the British colony of Jamaica and its dependencies:

TABLE NO. 2.—APPLICABLE TO THE COLONY OF JAMAICA AND ITS DEPENDENCIES.

SCHEDULE A.

Articles to be admitted free of all customs duty and any other national, colonial, or municipal charges:

1. Animals, alive, and poultry.
2. Beef, including tongues, smoked and dried.
3. Beef and pork preserved in cans.
4. Belting for machinery, of leather, canvas, or india rubber.
5. Boats and lighters.
6. Books,* bound or unbound, pamphlets, newspapers, and printed matter in all languages.
7. Bones and horns.

*The importation of books is subject to the provisions of copyright laws.

8. Bottles of glass or stone ware.
9. Bran, middlings, and shorts.
10. Bridges of iron or wood, or of both combined.
11. Brooms, brushes, and whisks of broom straw.
12. Candles, tallow.
13. Carts, wagons, cars, and barrows, with or without springs, for ordinary roads and agricultural use, not including vehicles of pleasure.
14. Coal and coke.
15. Clocks, mantel or wall.
16. Cotton seed and its products, to include meal, meal cake, oil, and cottolene.
17. Crucibles and melting pots of all kinds.
18. Drawings, paintings, engravings, lithographs, and photographs
19. Eggs.
20. Fertilizers of all kinds, natural and artificial.
21. Fish, fresh or on ice, and oysters in cans.
22. Fishing apparatus of all kinds.
23. Fruits and vegetables, fresh and dried, when not canned, tinned, or bottled.
24. Gas fixtures and pipes.
25. Gold and silver coin of the United States, and bullion.
26. Hay and straw for forage.
27. Houses of wood, complete.
28. Ice.
29. India-rubber and gutta-percha goods, including waterproof clothing made wholly or in part thereof.
30. Implements, utensils, and tools for agriculture, exclusive of cutlasses and forks.
31. Iron, galvanized.
32. Iron for roofing.
33. Lamps and lanterns, not exceeding 10 shillings each in value.
34. Lime of all kinds.
35. Locomotives, railway rolling stock, rails, railway ties, and all materials and appliances for railways and tramways.
36. Marble or alabaster, in the rough or squared, worked or carved, for building purposes or monuments.
37. Paper of all kinds for printing.
38. Paper of wood or straw for wrapping and packing, including surface coated or glazed.
39. Photographic apparatus and chemicals.
40. Printers' ink, all colors.
41. Printing presses, types, rules, spaces, and all accessories for printing.
42. Proprietary or patent medicines, recommended by their proprietors as calculated to cure disease or alleviate pain in the human subject.
43. Quicksilver.
44. Resin, tar, pitch, and turpentine.
45. Sewing machines and all parts and accessories thereof.
46. Shipbuilding materials and accessories of all kinds, when used in the construction, equipment, or repair of vessels or boats of any kind, except rope and cordage of all kinds, including wire rope, and subject to specific regulations to avoid abuse in the importation.
47. Shooks and staves.
48. Starch of Indian corn or maize.
49. Steam and power engines, and machines, machinery, and apparatus, whether stationary or portable, worked by power or by hand, for agriculture, irrigation, mining, the arts and industries of all kinds, and all necessary parts and appliances for the erection or repair thereof or the communication of motive power thereto.

50. Steam boilers and steam pipes.
51. Sugar, refined.
52. Sulphur.
53. Tallow and animal greases.
54. Tan bark of all kinds, whole or ground.
55. Telegraph wire, telegraphic, telephonic, and electrical apparatus and appliances of all kinds for communication or illumination.
56. Trees, plants, vines, and seeds and grains of all kinds for propagation or cultivation.
57. Varnish, not containing spirits.
58. Wall papers.
59. Watches when not cased in gold or silver, and watch movements uncased.
60. Water pipes of all classes, materials, and dimensions.
61. Wire for fences, with the hooks, staples, nails, and the like appliances for fastening the same.
62. Yeast cake and baking powders.
63. Zinc, tin, and lead, in sheets, asbestus, and tar paper, for roofing.

It is understood that the packages or coverings in which the articles named in the foregoing schedule are imported shall be free of duty if they are usual and proper for the purpose.

SCHEDULE B.

Articles to be admitted at 50 per cent reduction of the duty designated in the customs tariff now in force:

1. Bacon and bacon hams.
2. Bread and biscuit.
3. Butter.
4. Cheese.
5. Lard and its compounds.

Lumber of pitch pine, in rough or prepared for buildings, to be reduced to 9 shillings per 1,000 feet.

SCHEDULE C.

Articles to be admitted at 25 per cent reduction of the duty designated in the customs tariff now in force:

1. Beef, salted or pickled.
2. Corn and maize.
3. Corn meal.
4. Oats.
5. Petroleum and its products, crude or refined.
6. Pork, salted or pickled.
7. Wheat.

And whereas the Secretary of State has, by my direction, given the assurance to the envoy extraordinary and minister plenipotentiary of Great Britain at Washington that this action of the Government of Great Britain in granting remissions and alterations of duties in the British colonies above mentioned is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above-stated modifications of the tariff laws of the aforesaid British colonies to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of February, 1892, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to section 3 of the act of Congress approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports and for other purposes," the attention of the Government of the German Empire was called to the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3 to be exempt from duty upon their importation into the United States of America; and

Whereas the chargé d'affaires of the German Empire at Washington has communicated to the special plenipotentiary of the United States the fact that, in view of the act of Congress above cited, the German Imperial Government has by due legal enactment authorized the admission, from and after February 1, 1892, into the German Empire of the articles or merchandise the product of the United States of America named in the following schedule, on the terms stated therein:

Schedules of articles to be admitted into Germany.

Articles.	Rate of duty per 100 kilograms.
	Marks.
1. Bran; malted germs	Free.
2. Flax, raw, dried, broken, or hatcheled; also refuse portions	Free.
3. Wheat	3.50
4. Rye	3.50
5. Oats	2.80
6. Buckwheat	2.00
7. Pulse	1.50
8. Other kinds of grain not specially mentioned	1.00
9. Barley	2.00
10. Rape seed, turnip seed, poppy, sesame, peanuts, and other oleaginous products not specially mentioned	2.00
11. Maize (Indian corn)	1.60
12. Malt (malted barley)	3.60
13. Anise, coriander, fennel, and caraway seed	3.00
14. Agricultural productions not otherwise designated	Free.
15. Horsehair, raw, hatcheled, boiled, dyed, also laid in the form of tresses and spun; bristles; raw bed feathers	Free.

Schedules of articles to be admitted into Germany—Continued.

Articles.	Rate of duty per 100 kilograms.
	Marks.
16. Bed feathers, cleaned and prepared	Free.
17. Hides and skins, raw (green, salted, limed, dried), and stripped of the hair for the manufacture of leather	Free.
18. Charcoal	Free.
19. Bark of wood and tan bark	Free.
20. Lumber and timber:	
(*a*) Raw or merely roughhewn with ax or saw, with or without bark; oaken barrel staves	0.20
(*b*) Marked in the direction of the longitudinal axis, or prepared or cut otherwise than by roughhewing; barrel staves not included under (*a*); unpeeled osiers and hoops; hubs, fellies, and spokes	0.30
(*c*) Sawed in the direction of the longitudinal axis; unplaned boards; sawed cantle woods and other articles sawn or hewn	0.80
21. Wood in cut veneering; unglued, unstained parts of floors	5.00
22. Hops; also hop meal	*14.00
23. Butter; also artificial butter	17.00
24. Meat, slaughtered, fresh, with the exception of pork	15.00
25. Pork, slaughtered, fresh, and dressed meat, with the exception of bacon, fresh or prepared	17.00
26. Game of all kinds (not alive)	20.00
27. Cheese, except Strecchino, Gorgonzola, and Parmesan	20.00
28. Fruit, seeds, berries, leaves, flowers, mushrooms, vegetables, dried, baked, pulverized, only boiled down or salted—all these products so far as they are not included under other numbers of the tariff; juices of fruits, berries, and turnips, preserved without sugar, to be eaten; dry nuts	4.00
29. Mill products of grain and pulse, to wit, ground or shelled grains, peeled barley, groats, grits, flour, common cakes (bakers' products)	7.30
30. Residue, solid, from the manufacture of fat oils, also ground	Free.
31. Goose grease and other greasy fats, such as oleomargarine, sperfett (a mixture of stearic fats with oil), beef marrow	10.00
32. Live animals and animal products not mentioned elsewhere; also beehives with live bees	Free.
33. Horses (remarks)	each. 20.00
(*a*) Horses up to 2 years old	do... 10.00
(*b*) Colts following their dams	Free.
34. Bulls and cows	9.00
35. Oxen	25.50
36. Calves less than 6 weeks old	3.00
37. Hogs	5.00
38. Pigs weighing less than 10 kilograms	1.00
39. Sheep	1.00
40. Lambs	0.50
41. Wool, including animal hair not mentioned elsewhere, as well as stuffs made thereof:	
(*a*) Wool, raw, dyed, ground; also hair, raw, hatcheled, boiled, dyed; also curled	Free.

*Gross.

And whereas the special plenipotentiary of the United States has, by my direction, given assurance to the chargé d'affaires of the German Empire at Washington that this action of the Government of the German Empire in granting exemption of duties to the products and manufactures of the United States of America on their importation into Germany

is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above-stated modifications of the tariff laws of the German Empire to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of February, 1892, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ. HARRISON.

By the President:
JAMES G. BLAINE,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the public lands in the State of Colorado within the limits hereafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of Colorado and particularly described as follows, to wit:

Commencing at the northeast corner of section four (4), township eleven (11) north, range sixty-seven (67) west of the sixth (6th) principal meridian; thence proceeding westerly along the township line between townships ten (10) and eleven (11) south to the northwest corner of section six (6), township eleven (11) south, range sixty-eight (68) west; thence southerly along the range line between ranges sixty-eight (68) and sixty-nine (69) west to the southwest corner of section

eighteen (18), township thirteen (13) south, range sixty-eight (68) west; thence westerly along the section line to the northwest corner of section nineteen (19), township thirteen (13) south, range sixty-nine (69) west; thence southerly along the range line between ranges sixty-nine (69) and seventy (70) west to the southwest corner of section thirty-one (31), township thirteen (13) south, range sixty-nine (69) west; thence east along the township line between townships thirteen (13) and fourteen (14) south to the half-section corner on said township line of section two (2), township fourteen (14) south, range sixty-nine (69) west; thence southerly through the middle of sections two (2), eleven (11), and fourteen (14) to a point in the middle of the north line of section twenty-three (23) of said township and range; thence easterly along said northern section line to the northeast corner of said section; thence southerly between sections twenty-three (23) and twenty-four (24) to the middle of the east line of section twenty-three (23); thence easterly through the middle of section twenty-four (24) to the middle of the east line of said section twenty-four (24), township fourteen (14) south, range sixty-nine (69) west; thence southerly along the range line between ranges sixty-eight (68) and sixty-nine (69) west to the southwest corner of section thirty-one (31), township fifteen (15) south, range sixty-eight (68) west; thence east along the township line between townships fifteen (15) and sixteen (16) south to the southeast corner of section thirty-four (34), township fifteen (15) south, range sixty-seven (67) west; thence northerly along the section line to the northeast corner of the southeast quarter of section twenty-two (22), township fifteen (15) south, range sixty-seven (67) west; thence westerly to the northwest corner of the southeast quarter of section twenty-one (21) of said last-named township and range; thence southerly to the southwest corner of the southeast quarter of section twenty-eight (28) of said township and range; thence westerly along the section line to the corner common to sections twenty-five (25), thirty-one (31), and thirty-six (36) of said township and range; thence northerly on the section line to the corner common to sections one (1), six (6), and twelve (12) of said township and range; thence easterly along the section line to the corner common to sections five (5), six (6), and eight (8); thence southerly along the section line to the southwest corner of section eight (8) of said township and range; thence easterly along the section line to the corner common to sections ten (10), eleven (11), and fourteen (14) of said township and range; thence northerly along the section line to the northeast corner of section three (3); thence westerly to the northwest corner of section three (3) of said township and range; thence northerly along the section line to the corner common to sections sixteen (16), twenty-one (21), twenty-two (22), and fifteen (15), township fourteen (14) south, range sixty-seven (67) west; thence westerly along the section line to the northwest corner of section nineteen (19) of said township and range; thence

northerly along the range line between ranges sixty-seven (67) and sixty-eight (68) to the northeast corner of section one (1), township fourteen (14) south, range sixty-eight (68) west; thence easterly along the township line between townships thirteen (13) and fourteen (14) south to the southeast corner of section thirty-three (33) of township thirteen (13) south, range sixty-seven (67) west; thence northerly along the section line to the place of beginning.

Excepting from the force and effect of this proclamation all surveyed land which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly made in the proper United States land office, all unsurveyed lands on which valid settlement has been made under any law of the United States, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of February, A. D. 1892, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The following provisions of the laws of the United States are hereby published for the information of all concerned:

Section 1956, Revised Statutes, chapter 3, Title XXIII, enacts that—

No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory or in the waters thereof; and every person guilty thereof shall for each offense be fined not less than $200 nor more than $1,000, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulations as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur seal and to provide for the execution of the provisions of this section until it is otherwise provided by law, nor shall he grant any special privileges under this section.

Section 3 of the act entitled "An act to provide for the protection of the salmon fisheries of Alaska," approved March 2, 1889, provides that—

SEC. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Bering Sea; and it shall be the duty of the President at a timely season in each year to issue his proclamation, and cause the same to be published for one month at least in one newspaper (if any such there be) published at each United States port of entry on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein.

Now, therefore, I, Benjamin Harrison, President of the United States, pursuant to the above-recited statutes, hereby warn all persons against entering the waters of Bering Sea within the dominion of the United States for the purpose of violating the provisions of said section 1956, Revised Statutes; and I hereby proclaim that all persons found to be or to have been engaged in any violation of the laws of the United States in said waters will be arrested and punished as above provided, and that all vessels so employed, their tackle, apparel, furniture, and cargoes, will be seized and forfeited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of February, 1892, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to section 3 of the act of Congress approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," the Secretary of State of the United States of America communicated to the Government of Nicaragua the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3 to be exempt from duty upon their importation into the United States of America; and

Whereas the envoy extraordinary and minister plenipotentiary of Nicaragua at Washington has communicated to the Secretary of State the fact that, in reciprocity for the admission into the United States of America free of all duty of the articles enumerated in section 3 of said act, the

Government of Nicaragua will by due legal enactment admit free of all duty, from and after April 15, 1892, into all the ports of entry of Nicaragua the articles or merchandise named in the following schedule, provided that the same be the product of the United States:

SCHEDULE OF ARTICLES WHICH THE REPUBLIC OF NICARAGUA WILL ADMIT FREE OF ALL KIND OF DUTY.

1. Animals, live.
2. Barley, Indian corn, wheat, oats, rye, and rice.
3. Seeds of all kinds for agriculture and horticulture.
4. Live plants of all kinds.
5. Corn meal.
6. Starch.
7. Beans, potatoes, and all other vegetables, fresh or dried.
8. Fruits, fresh or dried.
9. Hay, bran, and straw for forage.
10. Cotton-seed oil and all other products of said seed.
11. Tar, resin, and turpentine.
12. Asphalt, crude or manufactured in blocks.
13. Quicksilver for mining purposes.
14. Coal, mineral or animal.
15. Fertilizers for land.
16. Lime and cement.
17. Wood and lumber, in the rough or prepared for building purposes.
18. Houses of wood or iron.
19. Marble, in the rough or dressed, for fountains, gravestones, and building purposes.
20. Tools and implements for agricultural and horticultural purposes.
21. Wagons, carts, and handcarts.
22. Iron and steel, in rails for railroads and other similar uses, and structural iron and steel for bridges and building purposes.
23. Wire, for fences, with or without barbs, clamps, posts, clips, and other accessories of wire, not less than 3 lines in diameter.
24. Machinery of all kinds for agricultural purposes, arts, and trades, and parts of such machinery.
25. Motors of steam or animal power.
26. Forgers, water pumps of metal, pump hose, sledge hammers, drills for mining purposes, iron piping with its keys and faucets, crucibles for melting metals, iron water tanks, and lightning rods.
27. Roofs of galvanized iron, gutters, ridging, clamps, and screws for the same.
28. Printing materials.
29. Books, pamphlets, and other printed matter, and ruled paper for printed music, printing paper in sheets not less than 29 by 20 inches.
30. Geographical maps or charts and celestial and terrestrial spheres or globes.
31. Surgical and mathematical instruments.
32. Stones and fire bricks for smelting furnaces.
33. Vessels and boats of all kinds, fitted together or in parts.
34. Gold and silver in bullion, bars, or coin.

It is understood that the packages or coverings in which the articles named in the foregoing schedule are imported shall be free of duty if they are usual and proper for the purpose.

And that the Government of Nicaragua has further stipulated that the laws and regulations adopted to protect its revenue and prevent fraud

in the declarations and proof that the articles named in the foregoing schedule are the product of the United States of America shall impose no undue restrictions on the importer nor additional charges on the articles imported; and

Whereas the Secretary of State has, by my direction, given assurance to the envoy extraordinary and minister plenipotentiary of Nicaragua at Washington that this action of the Government of Nicaragua in granting freedom of duties to the products of the United States of America on their importation into Nicaragua is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above-stated modifications of the tariff laws of Nicaragua to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of March, 1892, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas in section 3 of an act passed by the Congress of the United States entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, it was provided as follows:

That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever and so often as the President shall be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States which, in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States, he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides the production of such country for such time as he shall deem just; and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides the product of or exported from such designated country—

the duties hereinafter set forth; and

Whereas it has been established to my satisfaction and I find the fact

to be that the Government of Colombia does impose duties or other exactions upon the agricultural and other products of the United States which, in view of the free introduction of such sugars, molasses, coffee, tea, and hides into the United States, in accordance with the provisions of said act, I deem to be reciprocally unequal and unreasonable:

Now, therefore, I, Benjamin Harrison, President of the United States of America, by virtue of the authority vested in me by section 3 of said act, by which it is made my duty to take action, do hereby declare and proclaim that the provisions of said act relating to the free introduction of sugars, molasses, coffee, tea, and hides the production of Colombia shall be suspended from and after this 15th day of March, 1892, and until such time as said unequal and unreasonable duties and exactions are removed by Colombia and public notice of that fact given by the President of the United States; and I do hereby proclaim that on and after this 15th day of March, 1892, there will be levied, collected, and paid upon sugars, molasses, coffee, tea, and hides the product of or exported from Colombia during such suspension duties as provided by said act, as follows:

All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic tests as follows, namely:

All sugars not above No. 13 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75°, seven-tenths of 1 cent per pound, and for every additional degree or fraction of a degree shown by the polariscopic test two-hundredths of 1 cent per pound additional.

All sugars above No. 13 Dutch standard in color shall be classified by the Dutch standard of color and pay duty as follows, namely:

All sugars above No. 13 and not above No. 16 Dutch standard of color, 1⅜ cents per pound.

All sugars above No. 16 and not above No. 20 Dutch standard of color, 1⅝ cents per pound.

All sugars above No. 20 Dutch standard of color, 2 cents per pound.

Molasses testing above 56°, 4 cents per gallon.

Sugar drainings and sugar sweepings shall be subject to duty either as molasses or sugar, as the case may be, according to polariscopic test.

On coffee, 3 cents per pound.

On tea, 10 cents per pound.

Hides, raw or uncured, whether dry, salted, or pickled; Angora-goat skins, raw, without the wool, unmanufactured; asses' skins, raw or unmanufactured, and skins, except sheepskins, with the wool on, 1½ cents per pound.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of March, 1892, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas in section 3 of an act passed by the Congress of the United States entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, it was provided as follows:

That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever and so often as the President shall be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States which, in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States, he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides the production of such country for such time as he shall deem just; and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides the product of or exported from such designated country—

the duties hereinafter set forth; and

Whereas it has been established to my satisfaction and I find the fact to be that the Government of Hayti does impose duties or other exactions upon the agricultural and other products of the United States which, in view of the free introduction of such sugars, molasses, coffee, tea, and hides into the United States, in accordance with the provisions of said act, I deem to be reciprocally unequal and unreasonable:

Now, therefore, I, Benjamin Harrison, President of the United States of America, by virtue of the authority vested in me by section 3 of said act, by which it is made my duty to take action, do hereby declare and proclaim that the provisions of said act relating to the free introduction of sugars, molasses, coffee, tea, and hides the production of Hayti shall be suspended from and after this 15th day of March, 1892, and until such time as said unequal and unreasonable duties and exactions are removed by Hayti and public notice of that fact given by the President of the United States; and I do hereby proclaim that on and after this 15th day of March, 1892, there will be levied, collected, and paid upon sugars, molasses, coffee, tea, and hides the product of or exported from Hayti during such suspension duties as provided by said act, as follows:

All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic tests as follows, namely:

All sugars not above No. 13 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75°, seven-tenths of 1 cent per pound and for every additional degree or fraction of a degree shown by the polariscopic test two-hundredths of 1 cent per pound additional.

All sugars above No. 13 Dutch standard in color shall be classified by the Dutch standard of color and pay duty as follows, namely:

All sugar above No. 13 and not above No. 16 Dutch standard of color, 1⅜ cents per pound.

All sugar above No. 16 and not above No. 20 Dutch standard of color, 1⅝ cents per pound.

All sugars above No. 20 Dutch standard of color, 2 cents per pound.

Molasses testing above 56°, 4 cents per gallon.

Sugar drainings and sugar sweepings shall be subject to duty either as molasses or sugar, as the case may be, according to polariscopic test.

On coffee, 3 cents per pound.

On tea, 10 cents per pound.

Hides, raw or uncured, whether dry, salted, or pickled; Angora-goat skins, raw, without the wool, unmanufactured; asses' skins, raw or unmanufactured, and skins, except sheepskins, with the wool on, 1½ cents per pound.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of March, 1892, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas in section 3 of an act passed by the Congress of the United States entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, it was provided as follows:

That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever and so often as the President shall be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States which, in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States, he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides the production of such country for such time as he shall deem just; and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides the product of or exported from such designated country—

the duties hereinafter set forth; and

Whereas it has been established to my satisfaction and I find the fact to be that the Government of Venezuela does impose duties or other

exactions upon the agricultural and other products of the United States which, in view of the free introduction of such sugars, molasses, coffee, tea, and hides into the United States, in accordance with the provisions of said act, I deem to be reciprocally unequal and unreasonable:

Now, therefore, I, Benjamin Harrison, President of the United States of America, by virtue of the authority vested in me by section 3 of said act, by which it is made my duty to take action, do hereby declare and proclaim that the provisions of said act relating to the free introduction of sugars, molasses, coffee, tea, and hides the production of Venezuela shall be suspended from and after this 15th day of March, 1892, and until such time as said unequal and unreasonable duties and exactions are removed by Venezuela and public notice of that fact given by the President of the United States; and I do hereby proclaim that on and after this 15th day of March, 1892, there will be levied, collected, and paid upon sugars, molasses, coffee, tea, and hides the product of or exported from Venezuela during such suspension duties as provided by said act, as follows:

All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic tests as follows, namely:

All sugars not above No. 13 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75°, seven-tenths of 1 cent per pound, and for every additional degree or fraction of a degree shown by the polariscopic test two-hundredths of 1 cent per pound additional.

All sugars above No. 13 Dutch standard in color shall be classified by the Dutch standard of color and pay duty as follows, namely:

All sugar above No. 13 and not above No. 16 Dutch standard of color, 1⅜ cents per pound.

All sugar above No. 16 and not above No. 20 Dutch standard of color, 1⅝ cents per pound.

All sugars above No. 20 Dutch standard of color, 2 cents per pound.

Molasses testing above 56°, 4 cents per gallon.

Sugar drainings and sugar sweepings shall be subject to duty either as molasses or sugar, as the case may be, according to polariscopic test.

On coffee, 3 cents per pound.

On tea, 10 cents per pound.

Hides, raw or uncured, whether dry, salted, or pickled; Angora-goat skins, raw, without the wool, unmanufactured; asses' skins, raw or unmanufactured, and skins, except sheepskins, with the wool on, 1½ cents per pound.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of March, 1892, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of an act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the lands hereinafter described are public and forest bearing, and on the 11th day of February last I issued a proclamation * intended to reserve the same as authorized in said act; but as some question has arisen as to the boundaries proclaimed being sufficiently definite to cover the lands intended to be reserved:

Now, therefore, I, Benjamin Harrison, President of the United States, for the purpose of removing any doubt and making the boundaries of said reservation more definite, by virtue of the power in me vested by said act, do hereby issue this my second proclamation and hereby set apart, reserve, and establish as a public reservation all that tract of land situate in the State of Colorado embraced within the following boundary:

Beginning at the northeast corner of section four (4), township eleven (11) south, range sixty-seven (67) west of the sixth (6th) principal meridian; thence westerly along the second (2d) correction line south between townships ten (10) and eleven (11) south to the northwest corner of section six (6), township eleven (11) south, range sixty-eight (68) west; thence southerly along the range line between ranges sixty-eight (68) and sixty-nine (69) west to the southwest corner of section eighteen (18), township thirteen (13) south, range sixty-eight (68) west; thence westerly along the section line between sections thirteen (13) and twenty-four (24), fourteen (14) and twenty-three (23), fifteen (15) and twenty-two (22), sixteen (16) and twenty-one (21), seventeen (17) and twenty (20), and eighteen (18) and nineteen (19) to the northwest corner of section nineteen (19), township thirteen (13) south, range sixty-nine (69) west; thence southerly along the range line between ranges sixty-nine (69) and seventy (70) west to the southwest corner of section thirty-one (31) of said township; thence easterly along the township line between townships thirteen (13) and fourteen (14) south to the quarter-section corner on said township line between section thirty-five (35), township thirteen (13) south, range sixty-nine (69) west, and section two (2), township fourteen (14) south, range sixty-nine (69) west; thence southerly through the middle of sections two (2), eleven (11), and fourteen (14), township fourteen (14) south, range sixty-nine (69) west, to the

*See pp. 5695-5697.

quarter-section corner on the section line between sections fourteen (14) and twenty-three (23) of said township and range; thence easterly along said section line to the northeast corner of section twenty-three (23) of said township and range; thence southerly along the section line to the quarter-section corner on said line between sections twenty-three (23) and twenty-four (24) of said township and range; thence easterly through the middle of section twenty-four (24) to the quarter-section corner on the range line between section nineteen (19), township fourteen (14) south, range sixty-eight (68) west, and section twenty-four (24), township fourteen (14) south, range sixty-nine (69) west; thence southerly along said range line to the southwest corner of section thirty-one (31), township fifteen (15) south, range sixty-eight (68) west; thence easterly along the third (3d) correction line south between townships fifteen (15) and sixteen (16) south to the southeast corner of section thirty-four (34), township fifteen (15) south, range sixty-seven (67) west; thence northerly along the section line between sections thirty-four (34) and thirty-five (35), twenty-six (26) and twenty-seven (27), to the point for the quarter-section corner on the section line between sections twenty-two (22) and twenty-three (23), township fifteen (15) south, range sixty-seven (67) west; thence westerly to a point for the legal center of section twenty-one (21) of said township and range; thence southerly to the southwest corner of the southeast quarter of section twenty-eight (28) of said township and range; thence westerly along the section line between sections twenty-eight (28) and thirty-three (33), twenty-nine (29) and thirty-two (32), thirty (30) and thirty-one (31), to the northwest corner of section thirty-one (31) of said township and range; thence northerly on the range line between ranges sixty-seven (67) and sixty-eight (68) west to the southwest corner of section six (6) of said township and range; thence easterly along the section line to the southeast corner of section six (6) of said township and range; thence southerly along the section line to the southwest corner of section eight (8) of said township and range; thence easterly along the section line to the southeast corner of section ten (10) of said township and range; thence northerly along the section line between sections ten (10) and eleven (11), two (2) and three (3), township fifteen (15) south, range sixty-seven (67) west, to the northeast corner of section three (3) of said township and range; thence westerly along the township line between townships fourteen (14) and fifteen (15) south to the northwest corner of section three (3), township fifteen (15) south, range sixty-seven (67) west; thence northerly along the section line between sections thirty-three (33) and thirty-four (34), twenty-seven (27) and twenty-eight (28), twenty-one (21) and twenty-two (22), to the northeast corner of section twenty-one (21), township fourteen (14) south, range sixty-seven (67) west; thence westerly along the section line between sections sixteen (16) and twenty-one (21), seventeen (17) and twenty (20), eighteen (18) and nineteen

(19), to the northwest corner of section nineteen (19) of said township and range; thence northerly along the range line between ranges sixty-seven (67) and sixty-eight (68) west to the northeast corner of section one (1), township fourteen (14) south, range sixty-eight (68) west; thence easterly along the township line between townships thirteen (13) and fourteen (14) south to the southeast corner of section thirty-three (33), township thirteen (13) south, range sixty-seven (67) west; thence northerly along the section line between sections thirty-three (33) and thirty-four (34), twenty-seven (27) and twenty-eight (28), twenty-one (21) and twenty-two (22), fifteen (15) and sixteen (16), nine (9) and ten (10), and three (3) and four (4) of townships thirteen (13), twelve (12), and eleven (11) south, range sixty-seven (67) west, to the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing of record has not expired, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 18th day of March, A. D. 1892, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the third article of the treaty between the United States of America and the Sisseton and Wahpeton bands of Dakota or Sioux Indians concluded February 19, 1867, proclaimed May 2, 1867 (15 U. S. Statutes at Large, p. 505), the United States set apart and reserved for certain of said Indians certain lands, particularly described, being situated

partly in North Dakota and partly in South Dakota and known as the Lake Traverse Reservation; and

Whereas by agreement made with said Indians residing on said reservation dated December 12, 1889, they conveyed, as set forth in article 1 thereof, to the United States all their title and interest in and to all the unallotted lands within the limits of the reservation set apart as aforesaid remaining after the allotments shall have been made, which are provided for in article 4 of the agreement, as follows:

> That there shall be allotted to each individual member of the bands of Indians parties hereto a sufficient quantity, which, with the lands heretofore allotted, shall make in each case 160 acres, and in case no allotment has been made to any individual member of said bands, then an allotment of 160 acres shall be made to such individual.

And whereas it is provided in article 2 of said agreement—

> That the cession, sale, relinquishment, and conveyance of the lands described in article 1 of this agreement shall not take effect and be in force until the sum of $342,778.37, together with the sum of $18,400, shall have been paid to said bands of Indians, as set forth and stipulated in article 3 of this agreement.

And whereas it is provided in the act of Congress approved March 3, 1891 (26 U. S. Statutes at Large, pp. 1036–1038), section 30, accepting and ratifying the agreement with said Indians—

> That the lands by said agreement ceded, sold, relinquished, and conveyed to the United States shall immediately, upon the payment to the parties entitled thereto of their share of the funds made immediately available by this act, and upon the completion of the allotments as provided for in said agreement, be subject only to entry and settlement under the homestead and town-site laws of the United States, excepting the sixteenth and thirty-sixth sections of said lands, which shall be reserved for common-school purposes and be subject to the laws of the State wherein located: *Provided*, That patents shall not issue until the settler or entryman shall have paid to the United States the sum of $2.50 per acre for the land taken up by such homesteader, and the title to the lands so entered shall remain in the United States until said money is duly paid by such entryman or his legal representatives, or his widow, who shall have the right to pay the money and complete the entry of her deceased husband in her own name and shall receive a patent for the same.

And whereas payment as required by said act has been made by the United States; and

Whereas allotments as provided for in said agreement, as now appears by the records of the Department of the Interior, will have been made, approved, and completed and all other terms and considerations required will have been complied with on the day and hour hereinafter fixed for opening said lands to settlement:

Now, therefore, I, Benjamin Harrison, President of the United States, do hereby declare and make known that all of the lands embraced in said reservation, saving and excepting the lands reserved for and allotted to said Indians and the lands reserved for other purposes in pursuance of the provisions of said agreement and the said act of Congress ratifying

the same and other the laws relating thereto, will, at and after the hour of 12 o'clock noon (central standard time) on the 15th day of April, A. D. 1892, and not before, be opened to settlement under the terms of and subject to all the terms and conditions, limitations, reservations, and restrictions contained in said agreements, the statutes above specified, and the laws of the United States applicable thereto.

The lands to be opened for settlement are for greater convenience particularly described in the accompanying schedule, entitled "Schedule of lands within the Lake Traverse Reservation opened to settlement by proclamation of the President dated April 11, 1892," and which schedule is made a part hereof.

Warning, moreover, is hereby given that until said lands are opened to settlement as herein provided all persons save said Indians are forbidden to enter upon and occupy the same or any part thereof.

And further notice is hereby given that it has been duly ordered that the lands mentioned and included in this proclamation shall be, and the same are, attached to the Fargo and Watertown land districts, in said States, as follows:

1. All that portion of the Lake Traverse Reservation commencing at the northwest corner of said reservation; thence south 12° 2′ west, following the west boundary of the reservation, to the new seventh standard parallel, or boundary line between the States of North and South Dakota; thence east, following the new seventh standard parallel to its intersection with the north boundary of said Indian reservation; thence northwesterly with said boundary to the place of beginning, is attached to the Fargo land district, the office of which is now located at Fargo, N. Dak.

2. All that portion of the Lake Traverse Reservation commencing at a point where the new seventh standard parallel intersects the west boundary of said reservation; thence southerly along the west boundary of said reservation to its extreme southern limit; thence northerly along the east boundary of said reservation to Lake Traverse; thence north with said lake to the northeast corner of the Lake Traverse Indian Reservation; thence westerly with the north boundary of said reservation to its intersection with the new seventh standard parallel, or boundary line between the States of North and South Dakota; thence with the new seventh standard parallel to the place of beginning, is attached to the Watertown land district, the office of which is now located at Watertown, S. Dak.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of April, A. D. 1892, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,

Secretary of State.

THE *MAINE* A FEW DAYS AFTER THE EXPLOSION

THE WRECK OF THE *MAINE*

"The *Maine* was sent to Havana, Cuba, in January, 1898, on a peaceful mission. She was received by the Spanish forts and naval vessels in the harbor with the courtesies usually extended to visiting warships of a friendly power. Her anchorage was selected by the Spanish authorities. On the night of February 15, 1898, the *Maine* was destroyed by a submarine mine (6277). It was believed that the Spaniards, who at the time were very much incensed at the interest Americans were taking in the Cuban insurrection, had maliciously destroyed the vessel and crew. Two officers and 258 sailors and marines lost their lives by the explosion (6296). An investigation failed to place the responsibility for the catastrophe, and Spain hastened to send a message of regret at what she called an incident. The blowing up of the *Maine* was among the causes of the war with Spain, begun soon afterwards."

Quoted from the article, "Maine, The," in the encyclopedic index (volume eleven). The numerals in the body of the article refer to pages on which President McKinley, in his official history of the Spanish-American War, refers to the subject.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by a written agreement made on the —— day of October, 1890, the Cheyenne and Arapahoe tribes of Indians ceded, conveyed, transferred, relinquished, and surrendered all their claim, title, and interest in and to the lands described in article 2 of said agreement as follows, to wit:

Commencing at a point where the Washita River crosses the ninety-eighth degree of west longitude, as surveyed in the years 1858 and 1871; thence north on a line with said ninety-eighth degree to the point where it is crossed by the Red Fork of the Arkansas (sometimes called the Cimarron River); thence up said river, in the middle of the main channel thereof, to the north boundary of the country ceded to the United States by the treaty of June 14, 1866, with the Creek Nation of Indians; thence west on said north boundary and the north boundary of the country ceded to the United States by the treaty of March 21, 1866, with the Seminole Indians to the one hundredth degree of west longitude; thence south on the line of said one hundredth degree to the point where it strikes the North Fork of the Red River; thence down said North Fork of the Red River to a point where it strikes the north line of the Kiowa and Comanche Reservation; thence east along said boundary to a point where it strikes the Washita River; thence down said Washita River, in the middle of the main channel thereof, to the place of beginning; and all other lands or tracts of country in the Indian Territory to which they have or may set up or allege any right, title, interest, or claim whatsoever.

Provided, That every member of said tribes shall have an allotment of 160 acres of land, as in said agreement provided, to be selected within the tract of country so ceded, except land in any part of said reservation now used or occupied for military, agency, school, school-farm, religious, or other public uses, or in sections 16 or 36 in each Congressional township, except, in cases where any Cheyenne or Arapahoe Indian has heretofore made improvements upon and now uses and occupies a part of said sections 16 and 36, such Indian may make his or her selection within the boundaries so prescribed so as to include his or her improvements; and except in that part of the lands by said agreement ceded, now occupied and claimed by the Wichita and affiliated bands of Indians described as follows, to wit:

Commencing at a point in the middle of the main channel of the Washita River where the ninety-eighth meridian of west longitude crosses the same; thence up the middle of the main channel of the said river to the line of 98° 40′ west longitude; thence up said line of 98° 40′ due north to the middle of the main channel of the main Canadian River; thence down the middle of the main Canadian River to where it crosses the ninety-eighth meridian; thence due south to the place of beginning.

And provided, That said sections 16 and 36 in each Congressional township in said reservation shall not become subject to homestead entry, but shall be held by the United States and finally sold for public-school purposes; and that when the allotments of lands shall have been selected and

taken by the members of the Cheyenne and Arapahoe tribes as aforesaid and approved by the Secretary of the Interior the title thereto shall be held in trust for the allottees, respectively, for the period of twenty-five years in the manner and to the extent provided for in the act of Congress approved February 8, 1887 (24 U. S. Statutes at Large, p. 388); and

Whereas it is provided in the act of Congress accepting, ratifying, and confirming the said agreement with the Cheyenne and Arapahoe Indians, approved March 3, 1891 (26 U. S. Statutes at Large, pp. 989–1044), section 16—

That whenever any of the lands acquired by either of the * * * foregoing agreements respecting lands in the Indian or Oklahoma Territory shall by operation of law or proclamation of the President of the United States be opened to settlement they shall be disposed of to actual settlers only, under the provisions of the homestead and town-site laws, except section 2301 of the Revised Statutes of the United States, which shall not apply: *Provided, however*, That each settler on said lands shall before making a final proof and receiving a certificate of entry pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of $1.50 per acre, one-half of which shall be paid within two years; but the rights of honorably discharged Union soldiers and sailors as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States shall not be abridged except as to the sum to be paid as aforesaid; and all the lands in Oklahoma are hereby declared to be agricultural lands, and proof of their nonmineral character shall not be required as a condition precedent to final entry.

And whereas allotments of land in severalty to said Cheyenne and Arapahoe Indians have been made and approved in accordance with law and the provisions of the before-mentioned agreement with them; and

Whereas the lands acquired by the said agreement hereinbefore mentioned have been divided into counties by the Secretary of the Interior, as required by said last-mentioned act of Congress, before the same shall be opened to settlement, and lands have been reserved for county-seat purposes as therein required, as follows, to wit:

For County C, the south one-half of section 19, township 16 north, range 11 west; for County D, the north one-half of section 13, township 18 north, range 17 west; for County E, the south one-half of section 15, township 17 north, range 22 west; for County F, the south one-half of section 8, township 13 north, range 23 west; for County G, the north one-half of section 25, township 13 north, range 17 west; for County H, the south one-half of section 13, township 9 north, range 16 west; and

Whereas it is provided by act of Congress for temporary government of Oklahoma, approved May 2, 1890, section 23 (26 U. S. Statutes at Large, p. 92), that there shall be reserved public highways 4 rods wide between each section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made where cash payments are provided for in the amount to be paid for each quarter section of land by reason of such reservation; and

Whereas all the terms, conditions and considerations required by said

agreement made with said tribes of Indians and by the laws relating thereto precedent to opening said lands to settlement have been, as I hereby declare, complied with:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by the statutes hereinbefore mentioned, also an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes," approved March 3, 1891, and by other of the laws of the United States, and by said agreement, do hereby declare and make known that all of said lands hereinbefore described acquired from the Cheyenne and Arapahoe Indians by the agreement aforesaid, saving and excepting the lands allotted to the Indians as in said agreement provided, excepting also the lands hereinbefore described as occupied and claimed by the Wichita and affiliated bands of Indians, or otherwise reserved in pursuance of the provisions of said agreement and the said act of Congress ratifying the same, and other the laws relating thereto, will at the hour of 12 o'clock noon (central standard time), Tuesday, the 19th day of the present month of April, and not before, be opened to settlement under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said agreement, the statutes above specified, and the laws of the United States applicable thereto.

The lands to be so opened to settlement are for greater convenience particularly described in the accompanying schedule, entitled "Schedule of lands within the Cheyenne and Arapahoe Indian Reservation, Oklahoma Territory, opened to settlement by proclamation of the President."

Each entry shall be in square form as nearly as applicable; and no other lands in the Territory of Oklahoma are opened to settlement under this proclamation, the agreement with the said Cheyenne and Arapahoe Indians, or the act ratifying the same.

Notice, moreover, is hereby given that it is by law enacted that until said lands are opened to settlement by proclamation no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands or acquire any right thereto, and that the officers of the United States will be required to enforce this provision.

And further notice is hereby given that it has been duly ordered that the lands mentioned and included in this proclamation shall be, and the same are, attached to the Western land district, office at Kingfisher, and the Oklahoma land district, office at Oklahoma City, in said Territory of Oklahoma, as follows:

1. All of said lands lying north of the township line between townships 13 and 14 north are attached to the Western land district, the office of which is at Kingfisher, in said Territory.

2. All of said lands lying south of the township line between townships 13 and 14 north are attached to the Oklahoma land district, the office of which is at Oklahoma City, in the said Territory.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of April, A. D. 1892, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens, or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may at its pleasure become a party to such agreement;" and

Whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;" and

Whereas in virtue of said section 13 of the aforesaid act of Congress a copyright agreement was signed at Washington on January 15, 1892, in the English and German languages, by the representatives of the United States of America and the German Empire, a true copy of the English version of which agreement is, word for word, as follows:

The President of the United States of America and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, being actuated by the desire to extend to their subjects and citizens the full benefit of the legal provisions in force in both countries in regard to copyright, have to this end decided to conclude an agreement and have appointed as their plenipotentiaries:

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

His Majesty the German Emperor, King of Prussia, Alfons Mumm von Schwarzenstein, his chargé d'affaires near the Government of the United States of America, who, being duly authorized, have concluded the following agreement, subject to due ratification:

ARTICLE I. Citizens of the United States of America shall enjoy in the German Empire the protection of copyright as regards works of literature and art, as well as

photographs, against illegal reproduction, on the same basis on which such protection is granted to subjects of the Empire.

ART. II. The United States Government engages in return that the President of the United States shall, in pursuance of section 13 of the act of Congress of March 3, 1891, issue the proclamation therein provided for in regard to the extension of the provisions of that act to German subjects as soon as the Secretary of State shall have been officially notified that the present agreement has received the necessary legislative sanction in the German Empire.

ART. III. This agreement shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

The agreement shall go into operation at the expiration of three weeks from the date of the exchange of its ratifications, and shall be applicable only to works not published at the time when it shall have gone into operation. It shall remain in force until the expiration of three months from the day on which notice of a desire for the cessation of its effects shall have been given by one of the contracting parties.

Done in duplicate in the English and German languages, at the city of Washington, this 15th day of January, 1892.

JAMES G. BLAINE. [SEAL.]
A. v. MUMM. [SEAL.]

And whereas the official notification contemplated by Article II of the said agreement has been received by this Government:

Now, therefore, I, Benjamin Harrison, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, is now fulfilled in respect to the subjects of the German Empire.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 15th day of April, 1892, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to section 3 of the act of Congress approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," the Secretary of State of the United States of America communicated to the Government of Honduras the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3 to be exempt from duty upon their importation into the United States of America; and

Whereas the consul-general of Honduras at New York has communicated to the Secretary of State the fact that, in reciprocity for the admission into the United States of America free of all duty of the articles enumerated in section 3 of said act, the Government of Honduras will by

due legal enactment, as a provisional measure and until a more complete arrangement may be negotiated and put in operation, admit free of all duty, from and after May 25, 1892, into all the established ports of entry of Honduras the articles or merchandise named in the following schedule, provided that the same be the product or manufacture of the United States:

SCHEDULE OF PRODUCTS AND MANUFACTURES FROM THE UNITED STATES WHICH THE REPUBLIC OF HONDURAS WILL ADMIT FREE OF ALL CUSTOMS, MUNICIPAL, AND ANY OTHER KIND OF DUTY.

1. Animals for breeding purposes.
2. Corn, rice, barley, and rye.
3. Beans.
4. Hay and straw for forage.
5. Fruits, fresh.
6. Preparations of flour in biscuits, crackers not sweetened, macaroni, vermicelli, and tallarin.
7. Coal, mineral.
8. Roman cement.
9. Hydraulic lime.
10. Bricks, fire bricks, and crucibles for melting.
11. Marble, dressed, for furniture, statues, fountains, gravestones, and building purposes.
12. Tar, vegetable and mineral.
13. Guano and other fertilizers, natural or artificial.
14. Plows and all other agricultural tools and implements.
15. Machinery of all kinds, including sewing machines, and separate or extra parts of the same.
16. Materials of all kinds for the construction and equipment of railroads.
17. Materials of all kinds for the construction and operation of telegraphic and telephonic lines.
18. Materials of all kinds for lighting by electricity and gas.
19. Materials of all kinds for the construction of wharves.
20. Apparatus for distilling liquors.
21. Wood of all kinds for building, in trunks or pieces, beams, rafters, planks, boards, shingles, or flooring.
22. Wooden staves, heads, and hoops, and barrels and boxes for packing, mounted or in pieces.
23. Houses of wood or iron, complete or in parts.
24. Wagons, carts, and carriages of all kinds.
25. Barrels, casks, and tanks of iron for water.
26. Tubes of iron and all other accessories necessary for water supply.
27. Wire, barbed, and staples for fences.
28. Plates of iron for building purposes.
29. Mineral ores.
30. Kettles of iron for making salt.
31. Sugar boilers.
32. Molds for sugar.
33. Guys for mining purposes.
34. Furnaces and instruments for assaying metals.
35. Scientific instruments.
36 Models of machinery and buildings.
37. Boats, lighters, tackle, anchors, chains, girtlines, sails, and all other articles for vessels, to be used in the ports, lakes, and rivers of the Republic.

38. Printing materials, including presses, type, ink, and all other accessories.
39. Printed books, pamphlets, and newspapers, bound or unbound, maps, photographs, printed music, and paper for music.
40. Paper for printing newspapers.
41. Quicksilver.
42. Loadstones.
43. Hops.
44. Sulphate of quinine.
45. Gold and silver in bars, dust, or coin.
46. Samples of merchandise the duties on which do not exceed $1.

It is understood that the packages or coverings in which the articles named in the foregoing schedule are imported shall be free of duty if they are usual and proper for the purpose.

And that the Government of Honduras has further stipulated that the laws and regulations adopted to protect its revenue and prevent fraud in the declarations and proof that the articles named in the foregoing schedule are the product or manufacture of the United States of America shall impose no additional charges on the importer nor undue restrictions on the articles imported; and

Whereas the Secretary of State has, by my direction, given assurance to the consul-general of Honduras at New York that this action of the Government of Honduras in granting freedom of duties to the products and manufactures of the United States of America on their importation into Honduras and in stipulating for a more complete reciprocity arrangement is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above-stated modifications of the tariff laws of Honduras to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of April, 1892, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to section 3 of the act of Congress approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," the Secretary of State of the United States of America communicated to the Government of Guatemala the action of the Congress of the United States of America, with a view to

secure reciprocal trade, in declaring the articles enumerated in said section 3 to be exempt from duty upon their importation into the United States of America; and

Whereas the envoy extraordinary and minister plenipotentiary of Guatemala at Washington has communicated to the Secretary of State the fact that, in reciprocity for the admission into the United States of America free of all duty of the articles enumerated in section 3 of said act, the Government of Guatemala will by due legal enactment of the National Congress of that Republic admit free of all duty, from and after the 30th day after the passage of the said act by the Congress of Guatemala, into all the established ports of entry of that Republic the articles or merchandise named in the following schedule, provided that the same be the product or manufacture of the United States:

SCHEDULE OF ARTICLES THE PRODUCT OR MANUFACTURE OF THE UNITED STATES TO BE ADMITTED INTO GUATEMALA FREE OF ALL CUSTOMS DUTIES AND OF ANY NATIONAL OR MUNICIPAL DUES AND NATIONAL PORT CHARGES.

1. Live animals.
2. Barley, corn or maize, and rye.
3. Corn meal.
4. Potatoes, pease, and beans.
5. Fresh vegetables.
6. Rice.
7. Hay and straw for forage
8. Tar, pitch, resin, turpentine, and asphalt.
9. Cotton-seed oil and other products of said seed.
10. Quicksilver.
11. Mineral coal.
12. Guano and other fertilizers.
13. Lumber and timber, in the rough or prepared for building purposes.
14. Houses of wood or iron, complete or in parts.
15. Fire bricks, lime, cement, shingles, and tiles of clay or glass for roofing and construction of buildings.
16. Marble in slabs, columns, cornices, door and window frames, and fountains, and dressed or undressed marble for buildings.
17. Piping of clay, glazed or unglazed, for aqueducts and sewers.
18. Wire, plain or barbed, for fences, with hooks and staples for same.
19. Printed books, bound or unbound; printed music; maps, charts, and globes.
20. Materials for the construction and equipment of railways.
21. Materials for electrical illumination.
22. Materials expressly for the construction of wharves.
23. Anchors and hoisting tackle.
24. Railings of cast or wrought iron.
25. Balconies of cast or wrought iron.
26. Window blinds of wood or metal.
27. Iron fireplaces or stoves.
28. Machinery, including steam machinery for agriculture and mining, and separate parts of the same.
29. Gold and silver, in bullion, dust, or coin.

It is understood that the packages or coverings in which the articles named in the foregoing schedule are imported shall enter free of duty if they are usual and proper for the purpose.

And whereas the Government of Guatemala has further stipulated that the laws and regulations adopted to protect its revenue and prevent fraud in the declarations and proof that the articles named in the foregoing schedule are the product or manufacture of the United States of America shall impose no undue restrictions on the importer and no additional charges on the articles imported; and

Whereas the Secretary of State has, by my direction, given assurance to the envoy extraordinary and minister plenipotentiary of Guatemala at Washington that this action of the Government of Guatemala in granting freedom of duties to the products and manufactures of the United States of America on their importation into Guatemala, is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said act; and

Whereas the diplomatic representative of the United States of America at the city of Guatemala has been advised by the Government of Guatemala of the passage on April 30, 1892, of an act by the National Congress of that Republic approving the commercial arrangement concluded between the Governments of the two Republics and of the issue of a decree admitting, on and after the 30th day of May, 1892, the articles mentioned in the above schedule being the product or manufacture of the United States of America into the ports of Guatemala free of all duties whatsoever:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above-stated modifications of the tariff laws of Guatemala to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 18th day of May, 1892, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to section 3 of the act of Congress approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," the attention of the Government of Austria-Hungary was called to the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the

articles enumerated in said section 3 to be exempt from duty upon their importation into the United States of America; and

Whereas the minister plenipotentiary of Austria-Hungary at Washington has communicated to the Secretary of State the fact that, in view of the act of Congress above cited, the Government of Austria-Hungary has by due legal enactment authorized the admission, from and after May 25, 1892, into Austria-Hungary of all the articles of merchandise the product of the United States of America named in the commercial treaties which Austria-Hungary has celebrated with Germany and other nations on the terms stated in said treaties; and

Whereas the Secretary of State has, by my direction, given assurance to the minister plenipotentiary of Austria-Hungary at Washington that this action of the Government of Austria-Hungary in granting exemption of duties to the products and manufactures of the United States of America on their importation into Austria-Hungary is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above-stated modifications of the tariff laws of Austria-Hungary to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 26th day of May, 1892, and of the Independence of the United States of America the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the public lands in the State of Oregon within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Benjamin Harrison, President of the United States,

by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of Oregon and particularly described as follows, to wit:

Beginning at the northwest corner of section six (6), township one (1) south, range six (6) east, Willamette meridian; thence easterly on the base line between townships one (1) north and one (1) south to the southwest corner of section thirty-two (32), township one (1) north, range six (6) east; thence northerly on the section line between sections thirty-one (31) and thirty-two (32) to the northwest corner of section thirty-two (32); thence easterly on the section line between sections twenty-nine (29) and thirty-two (32) to the northeast corner of section thirty-two (32); thence northerly on the section line between sections twenty-eight (28) and twenty-nine (29) to the northwest corner of section twenty-eight (28); thence easterly on the section line between sections twenty-one (21) and twenty-eight (28) to the northeast corner of section twenty-eight (28); thence northerly on the section line between sections twenty-one (21) and twenty-two (22) to the northwest corner of section twenty-two (22); thence easterly on the section line between sections fifteen (15) and twenty-two (22) and fourteen (14) and twenty-three (23) to the northeast corner of section twenty-three (23); thence northerly along the section line between sections thirteen (13) and fourteen (14) and eleven (11) and twelve (12) to the northwest corner of section twelve (12); thence easterly on the section line between sections one (1) and twelve (12) to the northeast corner of section twelve (12); thence northerly on the eastern boundary of section one (1) to the northeast corner of section one (1), all of said sections being in township one (1) north, range six (6) east; thence easterly to a point for the northeast corner of township one (1) north, range seven (7) east; thence southerly to a point for the southeast corner of section one (1), township one (1) north, range seven (7) east; thence easterly to a point for the northeast corner of section eight (8), township one (1) north, range eight (8) east; thence southerly to a point for the northeast corner of section thirty-two (32) of said township and range; thence easterly to a point for the northeast corner of section thirty-three (33) of said township and range; thence southerly to the southeast corner of section thirty-three (33) of said township and range; thence westerly along the base line to the northwest corner of section four (4), township one (1) south, range eight (8) east; thence southerly on the section line between sections four (4) and five (5) and eight (8) and nine (9) to the southeast corner of section eight (8); thence easterly along the section line between sections nine (9) and sixteen (16) to a point for the northeast corner of section sixteen (16); thence southerly along the section line between sections fifteen (15) and sixteen (16) to the southeast corner of section sixteen (16); thence easterly along the section line between

sections fifteen (15) and twenty-two to the northeast corner of section twenty-two (22); thence southerly between sections twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), thirty-four (34), and thirty-five (35) to the southeast corner of section thirty-four (34); thence easterly along the southern boundary line of sections thirty-five (35) and thirty-six (36) to the southeast corner of section thirty-six (36), all of said sections being in township one (1) south, range eight (8) east; thence southerly to a point for the southeast corner of township two (2) south, range eight (8) east; thence westerly to the southeast corner of township two (2) south, range seven (7) east; thence northerly along the eastern boundary line of sections thirty-six (36), twenty-five (25), twenty-four (24), and thirteen (13), township two (2) south, range seven (7) east, to the southeast corner of section twelve (12) of said township and range; thence westerly along the section line between sections twelve (12) and thirteen (13), eleven (11) and fourteen (14), ten (10) and fifteen (15), nine (9) and sixteen (16), eight (8) and seventeen (17), and seven (7) and eighteen (18), township two (2) south, range seven (7) east, and sections twelve (12) and thirteen (13), eleven (11) and fourteen (14), ten (10) and fifteen (15), nine (9) and sixteen (16), eight (8) and seventeen (17), and seven (7) and eighteen (18), township two (2) south, range six (6) east, to the southwest corner of section seven (7) of said township and range; thence northerly along the western boundary of section seven (7) to the northwest corner of said section, township two (2) south, range six (6) east; thence westerly on the section line between sections one (1) and twelve (12), two (2) and eleven (11), three (3) and ten (10), and four (4) and nine (9) to the southwest corner of section four (4), township two (2) south, range five (5) east; thence northerly on the section line between sections four (4) and five (5) to the northwest corner of section four (4) in said township and range; thence easterly on the township line between townships one (1) and two (2) south, range five (5) east, to the southwest corner of section thirty-five (35), township one (1) south, range five (5) east; thence northerly on the section line between sections thirty-four (34), thirty-five (35), twenty-six (26), twenty-seven (27), twenty-two (22), and twenty-three (23) to the northwest corner of section twenty-three (23) of said township and range; thence easterly on the section line between sections fourteen (14) and twenty-three (23), thirteen (13) and twenty-four (24), to the northeast corner of section twenty-four (24) of said township and range; thence northerly along the range line between ranges five (5) and six (6) east to the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing of record has not expired, and all mining claims duly located and held

according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 17th day of June, A. D. 1892, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the public lands in the State of Colorado within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of Colorado and particularly described as follows, to wit:

Township ten (10) south of ranges sixty-eight (68), sixty-nine (69), and seventy (70) west; township nine (9) south of ranges sixty-eight (68) and sixty-nine (69) west; township eight (8) south of range sixty-nine (69) west, and so much of township ten (10) south of range seventy-one (71) west, township nine (9) south of range seventy (70) west, township eight (8) south of range seventy (70) west, and township seven (7

south of range sixty-nine (69) west as lie to the eastward of the South Platte River.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing of record has not expired, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 23d day of June, A. D. 1892, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

To whom it may concern:

Whereas the governor of the State of Idaho has represented to me that within said State there exist an insurrection and condition of domestic violence and resistance to the laws to meet and overcome which the resources at his command are unequal; and

Whereas he has further represented that the legislature of said State is not now in session and can not be promptly convened; and

Whereas by reason of said conditions the said governor, as chief executive of the State, has called upon me, as Chief Executive of the Government of the United States, for assistance in repressing said violence and restoring and maintaining the peace:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of section 4, Article IV, of the Constitution of the United States and of the laws of Congress enacted in pursuance thereof, do hereby command all persons engaged in said insurrection and in resistance to the laws to immediately disperse and retire peaceably to their respective abodes.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of July, A. D. 1892, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by a joint resolution approved June 29, 1892, it was resolved by the Senate and House of Representatives of the United States of America in Congress assembled—

That the President of the United States be authorized and directed to issue a proclamation recommending to the people the observance in all their localities of the four hundredth anniversary of the discovery of America, on the 21st of October, 1892, by public demonstrations and by suitable exercises in their schools and other places of assembly.

Now, therefore, I, Benjamin Harrison, President of the United States of America, in pursuance of the aforesaid joint resolution, do hereby appoint Friday, October 21, 1892, the four hundredth anniversary of the discovery of America by Columbus, as a general holiday for the people of the United States. On that day let the people, so far as possible, cease from toil and devote themselves to such exercises as may best express honor to the discoverer and their appreciation of the great achievements of the four completed centuries of American life.

Columbus stood in his age as the pioneer of progress and enlightenment. The system of universal education is in our age the most prominent and salutary feature of the spirit of enlightenment, and it is peculiarly appropriate that the schools be made by the people the center of the day's demonstration. Let the national flag float over every schoolhouse in the country and the exercises be such as shall impress upon our youth the patriotic duties of American citizenship.

In the churches and in the other places of assembly of the people let there be expressions of gratitude to Divine Providence for the devout faith of the discoverer and for the divine care and guidance which has directed our history and so abundantly blessed our people.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 21st day of July, A. D. 1892, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON

By the President:

JOHN W. FOSTER, *Secretary of State.*

By the President of the United States of America.

A PROCLAMATION.

Whereas by reason of unlawful obstructions, combinations, and assemblages of persons it has become impracticable, in my judgment, to enforce by the ordinary course of judicial proceedings the laws of the United States within the State and district of Wyoming, the United States marshal, after repeated efforts, being unable by his ordinary deputies or by any civil posse which he is able to obtain to execute the process of the United States courts:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States, do hereby command all persons engaged in such resistance to the laws and the process of the courts of the United States to cease such opposition and resistance and to disperse and retire peaceably to their respective abodes on or before Wednesday, the 3d day of August next.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of July, A. D. 1892, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER,
Secretary of State.

By the President of the United States of America.

A PROCLAMATION.

Whereas by an act of Congress approved July 26, 1892, entitled "An act to enforce reciprocal commercial relations between the United States and Canada, and for other purposes," it is provided—

That with a view of securing reciprocal advantages for the citizens, ports, and vessels of the United States, on and after the 1st day of August, 1892, whenever and so often as the President shall be satisfied that the passage through any canal or lock connected with the navigation of the St. Lawrence River, the Great Lakes, or the waterways connecting the same of any vessels of the United States, or of cargoes or passengers in transit to any port of the United States, is prohibited or is made difficult or burdensome by the imposition of tolls or otherwise which, in view of the free passage through the St. Marys Falls Canal now permitted to vessels of all nations, he shall deem to be reciprocally unjust and unreasonable, he shall have the power, and it shall be his duty, to suspend, by proclamation to that effect, for such time and to such extent (including absolute prohibition) as he shall deem just, the right of free passage through the St. Marys Falls Canal so far as it relates to vessels owned by the subjects of the government so discriminating against the citizens, ports, or vessels of the United States or to any cargoes, portions of cargoes or passengers in

transit to the ports of the government making such discrimination, whether carried in vessels of the United States or of other nations.

In such case and during such suspension tolls shall be levied, collected, and paid as follows, to wit: Upon freight of whatever kind or description not to exceed $2 per ton, upon passengers not to exceed $5 each, as shall be from time to time determined by the President: *Provided*, That no tolls shall be charged or collected upon freight or passengers carried to and landed at Ogdensburg, or any port west of Ogdensburg and south of a line drawn from the northern boundary of the State of New York through the St. Lawrence River, the Great Lakes, and their connecting channels to the northern boundary of the State of Minnesota.

SEC. 2. All tolls so charged shall be collected under such regulations as shall be prescribed by the Secretary of the Treasury, who may require the master of each vessel to furnish a sworn statement of the amount and kind of cargo and the number of passengers carried and the destination of the same, and such proof of the actual delivery of such cargo or passengers at some port or place within the limits above named as he shall deem satisfactory; and until such proof is furnished such freight and passengers may be considered to have been landed at some port or place outside of those limits, and the amount of tolls which would have accrued if they had been so delivered shall constitute a lien, which may be enforced against the vessel in default wherever and whenever found in the waters of the United States.

And whereas the government of the Dominion of Canada imposes a toll amounting to about 20 cents per ton on all freight passing through the Welland Canal in transit to a port of the United States, and also a further toll on all vessels of the United States and on all passengers in transit to a port of the United States, all of which tolls are without rebate; and

Whereas the government of the Dominion of Canada, in accordance with an order in council of April 4, 1892, refunds 18 cents per ton of the 20-cent toll at the Welland Canal on wheat, Indian corn, pease, barley, rye, oats, flaxseed, and buckwheat upon condition that they are originally shipped for and carried to Montreal or some port east of Montreal for export, and that if transshipped at an intermediate point such transshipment is made within the Dominion of Canada, but allows no such nor any other rebate on said products when shipped to a port of the United States or when carried to Montreal for export if transshipped within the United States; and

Whereas the government of the Dominion of Canada by said system of rebate and otherwise discriminates against the citizens of the United States in the use of said Welland Canal, in violation of the provisions of Article XXVII of the treaty of Washington concluded May 8, 1871; and

Whereas said Welland Canal is connected with the navigation of the Great Lakes, and I am satisfied that the passage through it of cargoes in transit to ports of the United States is made difficult and burdensome by said discriminating system of rebate and otherwise and is reciprocally unjust and unreasonable:

Now, therefore, I, Benjamin Harrison, President of the United States of America, by virtue of the power to that end conferred upon me by said act of Congress approved July 26, 1892, do hereby direct that from and

after September 1, 1892, until further notice a toll of 20 cents per ton be levied, collected, and paid on all freight of whatever kind or description passing through the St Marys Falls Canal in transit to any port of the Dominion of Canada, whether carried in vessels of the United States or of other nations; and to that extent I do hereby suspend from and after said date the right of free passage through said St. Marys Falls Canal of any and all cargoes or portions of cargoes in transit to Canadian ports.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 18th day of August, A. D. 1892, and of the Independence of the United States of America the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by a written agreement made on the 8th day of December, 1890, the Crow tribe of Indians, in the State of Montana, agreed to dispose of and sell to the United States, for certain considerations in said agreement specified, all that portion of the Crow Indian Reservation in the State of Montana lying west and south of the following lines, to wit:

Beginning in the mid-channel of the Yellowstone River at a point which is the northwest corner of section No. 36, township No. 2 north of range 27 east of the principal meridian of Montana; thence running in a southwesterly direction, following the top of the natural divide between the waters flowing into the Yellowstone and Clarks Fork rivers upon the west and those flowing into Pryor Creek and West Pryor Creek on the east, to the base of West Pryor Mountain; thence due south and up the north slope of said Pryor Mountain on a true meridian line to a point 15 miles due north from the established line between Montana and Wyoming; thence in a due easterly course on a parallel of latitude to a point where it intersects the mid-channel of the Big Horn River; thence following up the mid-channel of said river to a point where it crosses the Montana and Wyoming State line.

And whereas it is stipulated in the eleventh clause or section of said agreement that all lands upon that portion of the reservation by said agreement ceded which prior to the date thereof had been allotted in severalty to Indians of the Crow tribe shall be retained and enjoyed by them; and

Whereas it is provided in the twelfth clause or section of said agreement that, in accordance with the provisions of article 6 of the treaty of May 7, A. D. 1868, said cession of lands shall not be construed to deprive without his or her consent any individual Indian of the Crow tribe of his or her right to any tract of land selected by him or her in conformity with

said treaty or as provided by the agreement approved by Congress April 11, A. D. 1882; and

Whereas it is further provided in said twelfth clause or section that in ratifying said agreement the Congress of the United States shall cause all such lands to be surveyed and certificates duly issued for the same to said Indians, as provided in the treaty of May 7, 1868, before said ceded portion of the reservation shall be opened for settlement; and

Whereas by the thirteenth clause or section of said agreement of December 8, 1890, it is made a condition of said agreement that it shall not be binding upon either party until ratified by the Congress of the United States, and when so ratified that said cession of lands so acquired by the United States shall not be opened for settlement until the boundary lines set forth and described in said agreement have been surveyed and definitely marked by suitable permanent monuments, erected every half mile wherever practicable, along the entire length of said boundary line; and

Whereas said agreement was duly ratified and confirmed by the thirty-first section of the act of Congress approved March 3, 1891; and

Whereas it is provided in section 34 of said act of March 3, 1891—

That whenever any of the lands acquired by the agreement with said Crow Indians hereby ratified and confirmed shall by operation of law or the proclamation of the President of the United States be open to settlement, they shall, except mineral lands, be disposed of to actual settlers only under the provisions of the homestead laws, except section 2301 of the Revised Statutes, which shall not apply: *Provided, however*, That each settler under and in accordance with the provisions of said homestead laws shall before receiving a patent for his homestead pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of $1.50 for each acre thereof, one-half of which shall be paid within two years; and any person otherwise qualified who has attempted to but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon any of said lands in conformity with the provisions of this section; that any person who may be entitled to the privilege of selecting land in severalty under the provisions of article 6 of the treaty of May 7, 1868, with the Crow Indians, and which provisions were continued in force by the agreement with said Indians ratified and confirmed by the act of Congress approved April 11, 1882, or any other act or treaty, shall have the right for a period of sixty days to make such selections in any part of the territory by said agreement ceded, and such locations are hereby confirmed: *Provided further*, That all white persons who located upon said Crow Reservation by reason of an erroneous survey of the boundary and were afterwards allowed to file upon their location in the United States land office shall have thirty days in which to renew their filings, and their locations are hereby confirmed; and that in all cases where claims were located under the mining laws of the United States, and such location was made prior to December 1, 1890, by a locator qualified therefor who believed that he or she was so locating on lands outside the Crow Indian Reservation, such locator shall be allowed thirty days within which to relocate the said mining claims so theretofore located by them within the limits of the ceded portion of said Crow Indian Reservation, and upon such relocation such proceedings shall be had as are conformable to law and in accordance with the provisions of this act.

And whereas the boundary lines of said ceded lands have been duly surveyed and marked as stipulated in the thirteenth clause or section of said agreement; and

Whereas a written agreement was concluded with said Crow Indians on the 27th day of August, 1892, under and by virtue of the following clause in the Indian appropriation act of Congress approved July 13, 1892, to wit:

* * * To enable the Secretary of the Interior, in his discretion, to appoint a commission to negotiate with the Crow Indians of Montana for a modification of the agreement concluded with said Indians December 8, 1890, and ratified by Congress March 3, 1891, and to pay the necessary and actual expenses of said commissioners: *Provided*, That no such modification shall be valid unless assented to by a majority of the male adult members of the Crow tribe of Indians and be approved by the Secretary of the Interior.

Which said agreement was assented to by a majority of the male adult members of the Crow tribe of Indians, as attested by their signatures thereto, and has been duly approved by the Secretary of the Interior; and

Whereas it is stipulated and agreed in the first clause or section of said agreement of August 27, 1892, that the persons named in a schedule attached to and made a part of said agreement, marked "Schedule A," include all the members of said Crow tribe who are entitled to the benefits of the eleventh section of said agreement of December 8, 1890, and that each of said persons is entitled to the land therein described as his selection in full satisfaction of his claim under said section; and that the persons named in a schedule attached to and made a part of said agreement of August 27, 1892, marked "Schedule B," include all the members of said tribe who are entitled to the benefits of the twelfth section of said agreement of December 8, 1890, and of the proviso of the thirty-fourth section of the act of Congress approved March 3, 1891, extending the privilege of making selections on the ceded lands for a period of sixty days, and that each of the said persons therein named is entitled to retain the tract of land theretofore selected by him within the limits of the tract of land therein described as containing his selection of his claim under the said section (or the said proviso); and

Whereas it is stipulated and agreed by the second clause or section of said agreement of August 27, 1892, that all lands ceded by said agreement may be opened to settlement, upon the approval of the said agreement, by proclamation of the President:

Provided, That all lands within the ceded tract selected or set apart for the use of individual Indians and described in the aforesaid Schedules "A" and "B" shall be exempt from cession and shall remain a part of the Crow Indian Reservation, and shall continue under the exclusive control of the Interior Department until they shall have been surveyed and certificates or patents issued therefor as provided in the agreement of December 8, 1890, or until relinquished or surrendered by the Indian or Indians claiming the same: *Provided further*, That such lands shall be described as set forth in Schedules "A" and "B," and shall be exempted from settlement in the proclamation of the President opening the ceded lands, and that where lands so set apart are not described by legal subdivisions then the township or section or tract

of land within whose limits such Indians' selections are located shall not be opened to settlement until the Indian allotments therein contained shall have been surveyed and proper evidence of title issued therefor.

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by the agreements and statutes hereinbefore mentioned and by other the laws of the United States, do hereby declare and make known that all of the lands within that portion of the Crow Indian Reservation in Montana ceded to the United States by the said agreement of December 8, 1890, and hereinbefore described, except those hereinafter mentioned and described, are open to settlement under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in the thirty-fourth section of the act of Congress approved March 3, 1891, and hereinbefore quoted, and other laws applicable thereto.

The lands exempted from the operation of this proclamation, being those embraced in Schedules "A" and "B" attached to the agreement of August 27, 1892, are described as follows:

I.—SURVEYED LANDS.

IN TOWNSHIP 1 NORTH, RANGE 26 EAST.

Fractional section 24; the north half, the east half of southeast quarter, and west half of southwest quarter of fractional section 25; fractional section 26; lot 5 of fractional section 34; the north half of northeast quarter and the northeast quarter of northwest quarter of section 35; and the northeast quarter of northeast quarter of section 36.

IN TOWNSHIP 1 NORTH, RANGE 27 EAST.

Fractional section 7; lots 1, 2, 3, 4, 5, and 6, the southwest quarter of northeast quarter, the southeast quarter, and the south half of the southwest quarter of fractional section 8; the south half of northwest quarter of section 9; the north half of the northwest quarter and the southwest quarter of the northwest quarter of section 17; fractional section 18; the north half and the southwest quarter of section 19.

IN TOWNSHIP 3 SOUTH, RANGE 24 EAST.

The north half of the southwest quarter of section 3; the southeast quarter of the northeast quarter and lots 2, 3, and 4 of section 4; fractional section 5; the southeast quarter and the south half of the southwest quarter of section 6; section 7; west half of section 8; the east half of the northwest quarter and the southwest quarter of the northwest quarter of section 17; lots 1, 2, 3, 4, 5, and 6, the northeast quarter of the northeast quarter, the south half of the northeast quarter, and the southeast quarter of the northwest quarter and the south half of section 18; lots 1, 3, 4, and 5 and the east half of southwest quarter, section 19; and lots 1, 2, 3, and 4 in section 30.

IN TOWNSHIP 4 SOUTH, RANGE 23 EAST.

Lots 4, 5, 6, 7, 8, 9, and 13, the south half of northwest quarter, the southeast quarter of southeast quarter, and the northeast quarter of the southwest quarter, section 1; section 2; the north half, the southeast quarter, and the north half of southwest quarter, section 3; section 4; the east half and the southwest quarter of section 8; the north half and the southwest quarter of section 9; the east half and the southwest quarter of section 11; section 12; the north half, the south half of the southeast

quarter, the east half of the southwest quarter, and lots 1, 2, and 3 of section 13; the north half, the southeast quarter, and the south half of the southwest quarter of section 14; the north half of section 17; the north half, the east half of the southeast quarter, and the north half of the southwest quarter of section 18; the northwest quarter of section 19; the east half and the northwest quarter of section 20; the south half of the northwest quarter of section 22; all of section 23 except the northwest quarter of northwest quarter; section 24; lots 2 and 3 in section 25; the north half of northeast quarter, the northwest quarter, the north half of the southwest quarter, and lots 1, 2, 5, 6, 7, and 8 of section 26; the south half of the southeast quarter of section 27; the northwest quarter of section 33; the fractional east half and the southwest quarter of section 34; lots 2, 3, 4, 5, 6, 7, 9, and 10 of section 35.

IN TOWNSHIP 5 SOUTH OF RANGE 23 EAST.

Lot 5 and southwest quarter of northwest quarter of section 2; lots 1, 2, 6, 7, 8, 9, 12, and 14 and southeast quarter of southeast quarter of section 3; the fractional east half, the south half of northwest quarter, and the southwest quarter of section 4; the south half of the northeast quarter and the north half of the southeast quarter of section 7; the south half of the north half and the south half of section 8; lots 1, 2, 3, 4, 6, 7, and 8 and the west half of section 9; lots 1, 2, 3, and 4, the west half of the northeast quarter, and the south half of section 10; the northwest quarter of section 15; section 16; the east half of the northeast quarter and the south half of section 17; the northwest quarter of the northeast quarter, the southeast quarter of the southeast quarter, the west half, and lots 1, 2, 4, and 5, section 20; the southwest quarter of section 21; the west half of southwest quarter, section 26; the south half of section 27; the west half of the northeast quarter, the northwest quarter, and the south half of section 28; lots 1, 2, 3, 4, 6, and 7, the northwest quarter, the south half of the southeast quarter, and the west half of the southwest quarter of section 29; the northeast quarter of northeast quarter, the northeast quarter of the southeast quarter, and the south half of the southeast quarter of section 30; the northeast quarter, the northeast quarter of the northwest quarter, and the southeast quarter of section 31; lots 3, 4, 5, 6, 9, and 10, the southwest quarter of the southeast quarter, and the southwest quarter of section 32; lot 1, the north half of the northeast quarter, and the northwest quarter of section 33; and the west half of the northeast quarter and the northwest quarter of section 34.

2.—UNSURVEYED LANDS WHICH WHEN SURVEYED WILL BE DESCRIBED AS FOLLOWS:

IN TOWNSHIP 1 NORTH OF RANGE 15 EAST.

The southwest quarter of the northwest quarter, the northwest quarter of the southwest quarter, and the south half of the southwest quarter of section 27; the southeast quarter of the northeast quarter and the east half of the southeast quarter of section 28; the east half of the northeast quarter of section 33; the north half, the north half of the southeast quarter, and the northeast quarter of the southwest quarter of section 34; the south half of the north half and the south half of section 35; and the southwest quarter of the northwest quarter, the southeast quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of section 36.

IN TOWNSHIP 1 NORTH, RANGE 16 EAST.

The southwest quarter of the southwest quarter of section 31.

IN TOWNSHIP 1 SOUTH OF RANGE 15 EAST.

The north half of the north half and the southeast quarter of the northeast quarter of section 1.

IN TOWNSHIP 1 SOUTH OF RANGE 16 EAST.

The north half of the northeast quarter and the southwest quarter of the northwest quarter of section 6, and the southeast quarter of the northeast quarter of section 24.

IN TOWNSHIP 1 SOUTH OF RANGE 18 EAST.

The southeast quarter of the southwest quarter of section 27; the northwest quarter of the southeast quarter and the south half of the southeast quarter of section 28; the north half of the northeast quarter of section 33; and the northeast quarter and the east half of the northwest quarter of section 34.

IN TOWNSHIP 1 SOUTH OF RANGE 17 EAST.

The east half of the northeast quarter, the east half of the northwest quarter, the southwest quarter of the northwest quarter, the northwest quarter of the southeast quarter, and the northeast quarter of the southwest quarter of section 19; the south half of the southeast quarter and the southeast quarter of the southwest quarter of section 28; and the north half of the northeast quarter and the northeast quarter of the northwest quarter of section 33.

IN TOWNSHIP 1 SOUTH OF RANGE 25 EAST.

The northeast quarter of the southeast quarter, the south half of the southeast quarter, and the southeast quarter of the southwest quarter of section 25, and the northeast quarter of the northwest quarter and the west half of section 36.

IN TOWNSHIP 1 SOUTH OF RANGE 26 EAST.

The south half of the southeast quarter of section 19; the southeast quarter, the northeast quarter of the southwest quarter, and the south half of the southwest quarter of section 20; the west half of the southwest quarter of section 21; the west half of the northwest quarter of section 28; the north half and the northwest quarter of the southwest quarter of section 29; the north half of the northeast quarter, the southeast quarter of the northeast quarter, the southwest quarter of the northwest quarter, the north half of the southeast quarter, and the southwest quarter of section 30.

IN TOWNSHIP 2 SOUTH OF RANGE 13 EAST.

The southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of section 27; the southeast quarter of the northeast quarter and the east half of the southeast quarter of section 28; and the east half, the east half of the northwest quarter, the northeast quarter of the southeast quarter, and the northeast quarter of the southwest quarter of section 33.

IN TOWNSHIP 2 SOUTH OF RANGE 18 EAST.

The southeast quarter and the east half of the southwest quarter of section 1

IN TOWNSHIP 2 SOUTH OF RANGE 20 EAST.

The east half, the east half of the northwest quarter, the southwest quarter of the northwest quarter, and the north half of the southwest quarter of section 28; the northeast quarter and the north half of the southeast quarter of section 29; the south half of the northeast quarter, the north half of the southeast quarter, and the southeast quarter of the southeast quarter of section 34; the south half of the north half and the south half of section 35; and the southwest quarter of the northwest quarter, the northwest quarter of the southeast quarter, the south half of the southeast quarter, and the southwest quarter of section 36.

IN TOWNSHIP 2 SOUTH OF RANGE 21 EAST.

The west half of the northeast quarter, the northwest quarter of the southeast quarter, the east half of the west half, and the southwest quarter of the southwest quarter of section 32.

IN TOWNSHIP 2 SOUTH OF RANGE 24 EAST.

The northeast quarter of the southeast quarter and the south half of the southeast quarter of section 21; the northeast quarter, the north half of the southeast quarter, and the southwest quarter of section 22; the west half of the northwest quarter of section 27; the northeast quarter of section 28; and the northeast quarter, the southeast quarter of the northwest quarter, the north half of the southeast quarter, and the southwest quarter of section 29.

IN TOWNSHIP 3 SOUTH OF RANGE 18 EAST.

The west half of section 14; the west half of the northeast quarter and the east half of the northwest quarter of section 23; the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, the northwest quarter of the southeast quarter, and the northeast quarter of the southwest quarter of section 31; the northeast quarter, the south half of the northwest quarter, and the north half of the southwest quarter of section 32; the south half of the northeast quarter and the southeast quarter of section 33; the southwest quarter of the northeast quarter and the south half of the northwest quarter, the west half of the southeast quarter, and the southwest quarter of section 34; the south half of section 35; and the southeast quarter of the northeast quarter and the southeast quarter of section 36.

IN TOWNSHIP 3 SOUTH OF RANGE 19 EAST.

The northeast quarter, the north half of the southeast quarter, the southwest quarter of the southeast quarter, and the east half of the southwest quarter of section 12; the northwest quarter of section 29; the east half of the northeast quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, and the south half of section 30; and the southwest quarter of the northwest quarter and the west half of the southwest quarter of section 31.

IN TOWNSHIP 3 SOUTH OF RANGE 20 EAST.

The northeast quarter, the north half of the northwest quarter, the southeast quarter of the northwest quarter, and the northeast quarter of the southeast quarter of section 1; the north half of the northeast quarter and the northeast quarter of the northwest quarter of section 2; the north half of the northwest quarter, the southwest quarter of the northwest quarter, and the west half of the southwest quarter of section 5; the southeast quarter of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 6; and the west half of the northeast quarter and the northwest quarter of section 7.

IN TOWNSHIP 3 SOUTH OF RANGE 21 EAST.

The northwest quarter of the southwest quarter and the south half of the southwest quarter of section 5; the east half of the southeast quarter and the west half of section 6; the northeast quarter of the northeast quarter of section 7; and the north half of the northwest quarter of section 8.

IN TOWNSHIP 3 SOUTH OF RANGE 23 EAST.

The southeast quarter of the northeast quarter and the east half of the southeast quarter of section 12; the east half of section 13; the southeast quarter of the southeast quarter of section 23; the southeast quarter of the northeast quarter, the east

half of the southeast quarter, and the southwest quarter of the southwest quarter of section 24; the east half of the east half, the west half of the northwest quarter, and the southwest quarter of section 25; the northeast quarter of the southeast quarter and the south half of the southeast quarter of section 26; the south half of the south half of section 34; the northeast quarter, the north half of the southeast quarter, the southwest quarter of the southeast quarter, and the south half of the southwest quarter of section 35; and the northwest quarter of section 36.

IN TOWNSHIP 4 SOUTH OF RANGE 18 EAST.

The northwest quarter of the northeast quarter and the north half of the northwest quarter of section 3; the north half of the northeast quarter of section 4; the southeast quarter of the southwest quarter of section 13; the west half of the northeast quarter, the east half of the northwest quarter, the southeast quarter, and the northeast quarter of the southwest quarter of section 24; the northeast quarter, the north half of the southeast quarter, the southwest quarter of the southeast quarter, and the southwest quarter of section 25; the south half of the southeast quarter of section 29; the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 32; the northeast quarter of the northeast quarter, the northwest quarter, the northeast quarter of the southeast quarter, and the south half of the southeast quarter of section 35; and the west half of the northeast quarter, the northwest quarter, and the northwest quarter of the southwest quarter of section 36

IN TOWNSHIP 6 SOUTH OF RANGE 18 EAST.

The east half of the southeast quarter and the southwest quarter of the southeast quarter of section 20, and the west half of the northeast quarter, the northeast quarter of the northwest quarter, and the south half of the northwest quarter of section 29.

IN TOWNSHIP 6 SOUTH OF RANGE 19 EAST.

The northeast quarter, the east half of the northwest quarter, the southwest quarter of the northwest quarter, the north half of the southeast quarter, and the northwest quarter of the southwest quarter of section 15; the southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of section 16; the south half of the northeast quarter and the north half of the southeast quarter of section 19; and the south half of the northwest quarter and the north half of the southwest quarter of section 20.

IN TOWNSHIP 6 SOUTH OF RANGE 23 EAST.

The north half of the northwest quarter and the north half of the southeast quarter of section 5; the south half of the southeast quarter of section 8; section 17; and the west half of the northwest quarter of section 16.

3.—TOWNSHIPS, SECTIONS, OR TRACTS OF LAND WITHIN WHICH INDIAN SELECTIONS ARE LOCATED.

TRACT 1.

Beginning at a point in the mid-channel of the Yellowstone River 1½ miles below the mouth of the Clarks Fork River; thence running in a southwesterly direction along a line parallel to and 1½ miles distant from the mid-channel of the Clarks Fork River to the south line of township 2 south of range 24 east; thence west along said township line to the mid-channel of the Clarks Fork River; thence northeast along the mid-channel of the Clarks Fork River to the mid-channel of the Yellowstone River; thence northeast along the mid-channel of said river to the point of beginning.

TRACT 2.

All that part of township 2 south of range 24 east lying south of the Yellowstone River and west of the Clarks Fork River.

TRACT 3.

Sections 29, 31, and 32, township 5 south of range 21 east; sections 5, 6, 7, 8, 17, and 18, township 6 south of range 21 east; and sections 1, 2, 11, 12, 13, and 14, township 6 south of range 20 east.

TRACT 4.

Beginning at a point in the mid-channel of the Yellowstone River opposite the mouth of Duck Creek; thence running in a southwesterly direction along the mid-channel of the Yellowstone River to a point 1½ miles below the mouth of the Clarks Fork River; thence in a southwesterly direction along a line parallel to and 1½ miles distant from the mid-channel of the said Clarks Fork River to a point 1½ miles due south of the mid-channel of the said Yellowstone River; thence running in a northeasterly direction along a line parallel to and 1½ miles distant from the mid-channel of the Yellowstone River to the mid-channel of Duck Creek; thence in a northerly direction along the mid-channel of Duck Creek to the point of beginning.

TRACT 5.

All that part of townships 2 and 3 south of range 23 lying south of the mid-channel of the Yellowstone River and north of a line running parallel thereto and 1½ miles distant therefrom.

TRACT 6.

Beginning in the mid-channel of the main or West Fork of Red Lodge Creek at the point where it intersects the line known as the line of the Blake survey, and which was formerly supposed to be the south boundary of the Crow Indian Reserve; thence running due east along the lines of said Blake survey for a distance of 1 mile; thence running northeasterly along a line parallel to and 1 mile from the mid-channel of the said West Fork of said Red Lodge Creek for a distance of 10 miles; thence due west to the mid-channel of the said West Fork of said Red Lodge Creek; thence southwesterly along the mid-channel of the said West Fork of said creek to the place of beginning.

TRACT 7.

Townships 4 south of ranges 21 and 22 east.

TRACT 8.

All that part of the east half of township 1 south of range 26 east lying south of the Yellowstone River, and all that part of the west half of township 1 south of range 27 east lying south of the Yellowstone River.

TRACT 9.

Section 14, township 3 south of range 19 east.

TRACT 10.

Beginning in the mid-channel of the main or West Fork of Red Lodge Creek at the point where it intersects the line known as the line of the Blake survey, and which was formerly supposed to be the south boundary of the Crow Indian Reserve; thence running due east along the line of said Blake survey for a distance of 1 mile; thence running northeasterly along a line parallel to and 1 mile from the mid-channel of the said West Fork of said Red Lodge Creek for a distance of 10 miles; thence due west to the mid-channel of the said West Fork of said Red Lodge Creek; thence southwesterly along the mid-channel of the said West Fork of said Red Lodge Creek to the place of beginning.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of October, A. D. 1892, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens, or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may at its pleasure become a party to such agreement;" and

Whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;" and

Whereas satisfactory official assurances have been given that in Italy the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Italy:

Now, therefore, I, Benjamin Harrison, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the subjects of Italy.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 31st day of October, 1892, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The gifts of God to our people during the past year have been so abundant and so special that the spirit of devout thanksgiving awaits not a call, but only the appointment of a day when it may have a common

expression. He has stayed the pestilence at our door; He has given us more love for the free civil institutions in the creation of which His directing providence was so conspicuous; He has awakened a deeper reverence for law; He has widened our philanthropy by a call to succor the distress in other lands; He has blessed our schools and is bringing forward a patriotic and God-fearing generation to execute His great and benevolent designs for our country; He has given us great increase in material wealth and a wide diffusion of contentment and comfort in the homes of our people; He has given His grace to the sorrowing.

Wherefore, I, Benjamin Harrison, President of the United States, do call upon all our people to observe, as we have been wont, Thursday, the 24th day of this month of November, as a day of thanksgiving to God for His mercies and of supplication for His continued care and grace.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 4th day of November, 1892, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER,
Secretary of State.

EXECUTIVE ORDERS.

AMENDMENT OF CIVIL-SERVICE RULES.

JANUARY 20, 1892.

Special Departmental Rule No. 1 is hereby amended by adding at the end of paragraph 10 the following: "and elevator conductors;" so that as amended the paragraph will read:

In all the Departments: Bookbinders and elevator conductors.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 12, 1892.

The PRESIDENT.

SIR: We have the honor to recommend that Executive orders heretofore issued designating the places to be filled by noncompetitive examination under clause (*d*) of section 2 of General Rule III be amended so as to include among those places, in all the Departments where authorized by law and employed, "captains of the watch" and "lieutenants of the watch." The captains and lieutenants of the watch in the Treasury Department and the captain of the watch in the Post-Office Department are

now included in this category, and the object of this recommendation is to place all the Departments on the same footing with respect to these places.

The occasion for the recommendation at this time is the receipt by this Commission of a request from the Secretary of the Interior for a noncompetitive examination of a person named by him for appointment as captain of the watch in the Interior Department.

The place is now subject to competitive examination, but the Commission sees no good reason why one rule should not apply to all the Departments; hence this recommendation.

If you approve the recommendation, your indorsement of approval on this letter and its return to the Commission is requested. As it is not a change of rule, it does not require to go to the Department of State for record.

We have the honor to be, your obedient servants,

CHAS. LYMAN,
HUGH S. THOMPSON,
Commissioners.

EXECUTIVE MANSION, *January 25, 1892.*

The within recommendation is approved.

BENJ. HARRISON.

AMENDMENTS OF CIVIL-SERVICE RULES.

FEBRUARY 23, 1892.

Indian Rule VI is hereby amended by inserting after the word "appointment" the following: "from one agency to another;" so that as amended the rule will read:

Subject to the conditions stated in Rule IV, transfers may be made after absolute appointment from one agency to another, from one school to another, and from one district to another, under such regulations as the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may prescribe.

Indian Rule IV, section 1, clause (*b*), is hereby amended by inserting after the word "averages" the following: "who have not been three times certified;" so that as amended the clause will read:

If fitness for the vacant place is tested by competitive examination, the Commission shall certify from the proper register of the district in which the vacancy exists the names of the three eligibles thereon, of the sex called for, having the highest averages, who have not been three times certified: *Provided*, That the eligibles upon any register who have been allowed preference under section 1754 of the Revised Statutes shall be certified, according to their grade, before all other eligibles thereon: *And provided further*, That if the vacancy is in the grade of matron or teacher, and the wife of the superintendent of the school in which the vacancy exists is an eligible, she may be given preference in certification if the appointing officer so requests.

Section 5 of the same rule is also hereby amended by inserting after the word "vacancy" the following: "in any agency or;" so that as amended the clause will read:

In case of the sudden occurrence of a vacancy in any agency or in any school during a school term which the public interest requires to be immediately filled the

Commissioner of Indian Affairs is authorized, in his discretion, to provide for the temporary filling of the same until a regular appointment can be made under the provisions of sections 1, 2, and 3 of this rule, and when such regular appointment is made the temporary appointment shall terminate. All temporary appointments made under this authority and their termination shall at once be reported to the Commission.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, D. C., May 5, 1892.

In the exercise of the authority vested in the President by the seventeen hundred and fifty-third section of the Revised Statutes—

It is ordered, That the office of the United States Commission of Fish and Fisheries be, and the same is hereby, classified as a part of the classified departmental service and for the purpose of applying the civil-service rules thereto the officers, clerks, and other employees of said Commission are hereby arranged in the following classes, viz:

Class A.—All persons receiving an annual salary of less than $720, or a compensation at the rate of less than $720 per annum.

Class B.—All persons receiving an annual salary of $720 or more, or a compensation at the rate of $720 or more, but less than $840 per annum.

Class C.—All persons receiving an annual salary of $840 or more, or a compensation at the rate of $840 or more, but less than $900 per annum.

Class D.—All persons receiving an annual salary of $900 or more, or a compensation at the rate of $900 or more, but less than $1,000 per annum.

Class E.—All persons receiving an annual salary of $1,000 or more, or a compensation at the rate of $1,000 or more, but less than $1,200 per annum.

Class 1.—All persons receiving an annual salary of $1,200 or more, or a compensation at the rate of $1,200 or more, but less than $1,400 per annum.

Class 2.—All persons receiving an annual salary of $1,400 or more, or a compensation at the rate of $1,400 or more, but less than $1,600 per annum.

Class 3.—All persons receiving an annual salary of $1,600 or more, or a compensation at the rate of $1,600 or more, but less than $1,800 per annum.

Class 4.—All persons receiving an annual salary of $1,800 or more, or a compensation at the rate of $1,800 or more, but less than $2,000 per annum.

Class 5.—All persons receiving an annual salary of $2,000 or more, or a compensation at the rate of $2,000 per annum.

Provided, That no person who may be appointed to an office by and with the advice and consent of the Senate, and that no person who may be employed merely as a messenger, laborer, workman, or watchman,

shall be considered as within this classification, and no person so employed shall be assigned to the duties of a classified place.

Provided further, That no person shall be admitted to any place not excepted from examination by the civil-service rules in any of the classes above designated until he or she shall have passed an appropriate examination under the United States Civil Service Commission and his or her eligibility has been certified to by said Commission.

BENJ. HARRISON

CIVIL SERVICE.—AMENDMENT OF EXECUTIVE ORDERS.

MAY 7, 1892.

Executive orders heretofore issued declaring the places subject to noncompetitive examination under clause (*d*) of section 2 of General Rule III are hereby amended so as to include among said places the following:

In the Commission of Fish and Fisheries: Fish culturists and machinists.

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

MAY 7, 1892.

Special Departmental Rule No. 1 is hereby amended so as to include among the places excepted from examination therein the following:

In the Commission of Fish and Fisheries: Ichthyologist and editor, one scientific assistant, captains, officers, ships writers and crews on vessels of the Commission, and pilots.

BENJ. HARRISON

SEPTEMBER 16, 1892.

In order that the members of the Grand Army of the Republic employed in the public service in the city of Washington may have the opportunity of joining in the parade arranged for Tuesday, the 20th of September instant, and that all others may unite with the citizens of the District of Columbia in showing honor to the Union soldiers and sailors to be gathered in the national capital on that occasion—

It is hereby ordered, That the several Executive Departments and the Public Printing Office be closed on that day.

By the President:

BENJ. HARRISON.

AMENDMENT OF CIVIL-SERVICE RULES.

EXECUTIVE MANSION, *September 23, 1892.*

Departmental Rule X, Customs Rule VII, Postal Rule VII, and Indian Rule VII are hereby amended by inserting in the proviso of each of said

rules, after the word "therefrom," the words "or the widow of any such person," and after the word "he" the words "or she;" so that as amended the proviso of each of said rules will read:

Provided, That certification may be made, subject to the other conditions of this rule, for the reinstatement of any person who served in the military or naval service in the late War of the Rebellion and was honorably discharged therefrom, or the widow of any such person, without regard to the length of time he or she has been separated from the service.

BENJ. HARRISON.

FOURTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 6, 1892.*

To the Senate and House of Representatives:

In submitting my annual message to Congress I have great satisfaction in being able to say that the general conditions affecting the commercial and industrial interests of the United States are in the highest degree favorable. A comparison of the existing conditions with those of the most favored period in the history of the country will, I believe, show that so high a degree of prosperity and so general a diffusion of the comforts of life were never before enjoyed by our people.

The total wealth of the country in 1860 was $16,159,616,068. In 1890 it amounted to $62,610,000,000, an increase of 287 per cent.

The total mileage of railways in the United States in 1860 was 30,626. In 1890 it was 167,741, an increase of 448 per cent; and it is estimated that there will be about 4,000 miles of track added by the close of the year 1892.

The official returns of the Eleventh Census and those of the Tenth Census for seventy-five leading cities furnish the basis for the following comparisons:

In 1880 the capital invested in manufacturing was $1,232,839,670.

In 1890 the capital invested in manufacturing was $2,900,735,884.

In 1880 the number of employees was 1,301,388.

In 1890 the number of employees was 2,251,134.

In 1880 the wages earned were $501,965,778.

In 1890 the wages earned were $1,221,170,454.

In 1880 the value of the product was $2,711,579,899.

In 1890 the value of the product was $4,860,286,837.

I am informed by the Superintendent of the Census that the omission of certain industries in 1880 which were included in 1890 accounts in part for the remarkable increase thus shown, but after making full allowance for differences of method and deducting the returns for all industries not included in the census of 1880 there remain in the reports from

these seventy-five cities an increase in the capital employed of $1,522,745,604, in the value of the product of $2,024,236,166, in wages earned of $677,943,929, and in the number of wage earners employed of 856,029. The wage earnings not only show an increased aggregate, but an increase per capita from $386 in 1880 to $547 in 1890, or 41.71 per cent.

The new industrial plants established since October 6, 1890, and up to October 22, 1892, as partially reported in the American Economist, number 345, and the extension of existing plants 108; the new capital invested amounts to $40,449,050, and the number of additional employees to 37,285.

The Textile World for July, 1892, states that during the first six months of the present calendar year 135 new factories were built, of which 40 are cotton mills, 48 knitting mills, 26 woolen mills, 15 silk mills, 4 plush mills, and 2 linen mills. Of the 40 cotton mills 21 have been built in the Southern States. Mr. A. B. Shepperson, of the New York Cotton Exchange, estimates the number of working spindles in the United States on September 1, 1892, at 15,200,000, an increase of 660,000 over the year 1891. The consumption of cotton by American mills in 1891 was 2,396,000 bales, and in 1892 2,584,000 bales, an increase of 188,000 bales. From the year 1869 to 1892, inclusive, there has been an increase in the consumption of cotton in Europe of 92 per cent, while during the same period the increased consumption in the United States has been about 150 per cent.

The report of Ira Ayer, special agent of the Treasury Department, shows that at the date of September 30, 1892, there were 32 companies manufacturing tin and terne plate in the United States and 14 companies building new works for such manufacture. The estimated investment in buildings and plants at the close of the fiscal year June 30, 1893, if existing conditions were to be continued, was $5,000,000 and the estimated rate of production 200,000,000 pounds per annum. The actual production for the quarter ending September 30, 1892, was 10,952,725 pounds.

The report of Labor Commissioner Peck, of New York, shows that during the year 1891, in about 6,000 manufacturing establishments in that State embraced within the special inquiry made by him, and representing 67 different industries, there was a net increase over the year 1890 of $31,315,130.68 in the value of the product and of $6,377,925.09 in the amount of wages paid. The report of the commissioner of labor for the State of Massachusetts shows that 3,745 industries in that State paid $129,416,248 in wages during the year 1891, against $126,030,303 in 1890, an increase of $3,335,945, and that there was an increase of $9,932,490 in the amount of capital and of 7,346 in the number of persons employed in the same period.

During the last six months of the year 1891 and the first six months of 1892 the total production of pig iron was 9,710,819 tons, as against

9,202,703 tons in the year 1890, which was the largest annual production ever attained. For the same twelve months of 1891–92 the production of Bessemer ingots was 3,878,581 tons, an increase of 189,710 gross tons over the previously unprecedented yearly production of 3,688,871 gross tons in 1890. The production of Bessemer steel rails for the first six months of 1892 was 772,436 gross tons, as against 702,080 gross tons during the last six months of the year 1891.

The total value of our foreign trade (exports and imports of merchandise) during the last fiscal year was $1,857,680,610, an increase of $128,283,604 over the previous fiscal year. The average annual value of our imports and exports of merchandise for the ten fiscal years prior to 1891 was $1,457,322,019. It will be observed that our foreign trade for 1892 exceeded this annual average value by $400,358,591, an increase of 27.47 per cent. The significance and value of this increase are shown by the fact that the excess in the trade of 1892 over 1891 was wholly in the value of exports, for there was a decrease in the value of imports of $17,513,754.

The value of our exports during the fiscal year 1892 reached the highest figure in the history of the Government, amounting to $1,030,278,148, exceeding by $145,797,338 the exports of 1891 and exceeding the value of the imports by $202,875,686. A comparison of the value of our exports for 1892 with the annual average for the ten years prior to 1891 shows an excess of $265,142,651, or of 34.65 per cent. The value of our imports of merchandise for 1892, which was $829,402,462, also exceeded the annual average value of the ten years prior to 1891 by $135,215,940. During the fiscal year 1892 the value of imports free of duty amounted to $457,999,658, the largest aggregate in the history of our commerce. The value of the imports of merchandise entered free of duty in 1892 was 55.35 per cent of the total value of imports, as compared with 43.35 per cent in 1891 and 33.66 per cent in 1890.

In our coastwise trade a most encouraging development is in progress, there having been in the last four years an increase of 16 per cent. In internal commerce the statistics show that no such period of prosperity has ever before existed. The freight carried in the coastwise trade of the Great Lakes in 1890 aggregated 28,295,959 tons. On the Mississippi, Missouri, and Ohio rivers and tributaries in the same year the traffic aggregated 29,405,046 tons, and the total vessel tonnage passing through the Detroit River during that year was 21,684,000 tons. The vessel tonnage entered and cleared in the foreign trade of London during 1890 amounted to 13,480,767 tons, and of Liverpool 10,941,800 tons, a total for these two great shipping ports of 24,422,568 tons, only slightly in excess of the vessel tonnage passing through the Detroit River. And it should be said that the season for the Detroit River was but 228 days, while of course in London and Liverpool the season was for the entire year. The vessel tonnage passing through the St. Marys Canal for the fiscal year

1892 amounted to 9,828,874 tons, and the freight tonnage of the Detroit River is estimated for that year at 25,000,000 tons, against 23,209,619 tons in 1891. The aggregate traffic on our railroads for the year 1891 amounted to 704,398,609 tons of freight, compared with 691,344,437 tons in 1890, an increase of 13,054,172 tons.

Another indication of the general prosperity of the country is found in the fact that the number of depositors in savings banks increased from 693,870 in 1860 to 4,258,893 in 1890, an increase of 513 per cent, and the amount of deposits from $149,277,504 in 1860 to $1,524,844,506 in 1890, an increase of 921 per cent. In 1891 the amount of deposits in savings banks was $1,623,079,749. It is estimated that 90 per cent of these deposits represent the savings of wage earners. The bank clearances for nine months ending September 30, 1891, amounted to $41,049,390,[illegible]08. For the same months in 1892 they amounted to $45,189,601,947, an excess for the nine months of $4,140,211,139.

There never has been a time in our history when work was so abundant or when wages were as high, whether measured by the currency in which they are paid or by their power to supply the necessaries and comforts of life. It is true that the market prices of cotton and wheat have been low. It is one of the unfavorable incidents of agriculture that the farmer can not produce upon orders. He must sow and reap in ignorance of the aggregate production of the year, and is peculiarly subject to the depreciation which follows overproduction. But while the fact I have stated is true as to the crops mentioned, the general average of prices has been such as to give to agriculture a fair participation in the general prosperity. The value of our total farm products has increased from $1,363,646,866 in 1860 to $4,500,000,000 in 1891, as estimated by statisticians, an increase of 230 per cent. The number of hogs January 1, 1891, was 50,625,106 and their value $210,193,925; on January 1, 1892, the number was 52,398,019 and the value $241,031,415. On January 1, 1891, the number of cattle was 36,875,648 and the value $544,127,908; on January 1, 1892, the number was 37,651,239 and the value $570,749,155.

If any are discontented with their state here, if any believe that wages or prices, the returns for honest toil, are inadequate, they should not fail to remember that there is no other country in the world where the conditions that seem to them hard would not be accepted as highly prosperous. The English agriculturist would be glad to exchange the returns of his labor for those of the American farmer and the Manchester workmen their wages for those of their fellows at Fall River.

I believe that the protective system, which has now for something more than thirty years continuously prevailed in our legislation, has been a mighty instrument for the development of our national wealth and a most powerful agency in protecting the homes of our workingmen from the invasion of want. I have felt a most solicitous interest to preserve to our working people rates of wages that would not only give daily bread.

but supply a comfortable margin for those home attractions and family comforts and enjoyments without which life is neither hopeful nor sweet. They are American citizens—a part of the great people for whom our Constitution and Government were framed and instituted—and it can not be a perversion of that Constitution to so legislate as to preserve in their homes the comfort, independence, loyalty, and sense of interest in the Government which are essential to good citizenship in peace, and which will bring this stalwart throng, as in 1861, to the defense of the flag when it is assailed.

It is not my purpose to renew here the argument in favor of a protective tariff. The result of the recent election must be accepted as having introduced a new policy. We must assume that the present tariff, constructed upon the lines of protection, is to be repealed and that there is to be substituted for it a tariff law constructed solely with reference to revenue; that no duty is to be higher because the increase will keep open an American mill or keep up the wages of an American workman, but that in every case such a rate of duty is to be imposed as will bring to the Treasury of the United States the largest returns of revenue. The contention has not been between schedules, but between principles, and it would be offensive to suggest that the prevailing party will not carry into legislation the principles advocated by it and the pledges given to the people. The tariff bills passed by the House of Representatives at the last session were, as I suppose, even in the opinion of their promoters, inadequate, and justified only by the fact that the Senate and House of Representatives were not in accord and that a general revision could not therefore be undertaken.

I recommend that the whole subject of tariff revision be left to the incoming Congress. It is matter of regret that this work must be delayed for at least three months, for the threat of great tariff changes introduces so much uncertainty that an amount, not easily estimated, of business inaction and of diminished production will necessarily result. It is possible also that this uncertainty may result in decreased revenues from customs duties, for our merchants will make cautious orders for foreign goods in view of the prospect of tariff reductions and the uncertainty as to when they will take effect. Those who have advocated a protective tariff can well afford to have their disastrous forecasts of a change of policy disappointed. If a system of customs duties can be framed that will set the idle wheels and looms of Europe in motion and crowd our warehouses with foreign-made goods and at the same time keep our own mills busy; that will give us an increased participation in the "markets of the world" of greater value than the home market we surrender; that will give increased work to foreign workmen upon products to be consumed by our people without diminishing the amount of work to be done here; that will enable the American manufacturer to pay to his workmen from 50 to 100 per cent more in wages than is paid

in the foreign mill, and yet to compete in our market and in foreign markets with the foreign producer; that will further reduce the cost of articles of wear and food without reducing the wages of those who produce them; that can be celebrated, after its effects have been realized, as its expectation has been in European as well as in American cities, the authors and promoters of it will be entitled to the highest praise. We have had in our history several experiences of the contrasted effects of a revenue and of a protective tariff, but this generation has not felt them, and the experience of one generation is not highly instructive to the next. The friends of the protective system with undiminished confidence in the principles they have advocated will await the results of the new experiment.

The strained and too often disturbed relations existing between the employees and the employers in our great manufacturing establishments have not been favorable to a calm consideration by the wage earner of the effect upon wages of the protective system. The facts that his wages were the highest paid in like callings in the world and that a maintenance of this rate of wages in the absence of protective duties upon the product of his labor was impossible were obscured by the passion evoked by these contests. He may now be able to review the question in the light of his personal experience under the operation of a tariff for revenue only. If that experience shall demonstrate that present rates of wages are thereby maintained or increased, either absolutely or in their purchasing power, and that the aggregate volume of work to be done in this country is increased or even maintained, so that there are more or as many days' work in a year, at as good or better wages, for the American workmen as has been the case under the protective system, everyone will rejoice. A general process of wage reduction can not be contemplated by any patriotic citizen without the gravest apprehension. It may be, indeed I believe is, possible for the American manufacturer to compete successfully with his foreign rival in many branches of production without the defense of protective duties if the pay rolls are equalized; but the conflict that stands between the producer and that result and the distress of our working people when it is attained are not pleasant to contemplate. The Society of the Unemployed, now holding its frequent and threatening parades in the streets of foreign cities, should not be allowed to acquire an American domicile.

The reports of the heads of the several Executive Departments, which are herewith submitted, have very naturally included a résumé of the whole work of the Administration with the transactions of the last fiscal year. The attention not only of Congress but of the country is again invited to the methods of administration which have been pursued and to the results which have been attained. Public revenues amounting to $1,414,079,292.28 have been collected and disbursed without loss from misappropriation, without a single defalcation of such importance as to

attract the public attention, and at a diminished per cent of cost for collection. The public business has been transacted not only with fidelity, but progressively and with a view to giving to the people in the fullest possible degree the benefits of a service established and maintained for their protection and comfort.

Our relations with other nations are now undisturbed by any serious controversy. The complicated and threatening differences with Germany and England relating to Samoan affairs, with England in relation to the seal fisheries in the Bering Sea, and with Chile growing out of the *Baltimore* affair have been adjusted.

There have been negotiated and concluded, under section 3 of the tariff law, commercial agreements relating to reciprocal trade with the following countries: Brazil, Dominican Republic, Spain for Cuba and Puerto Rico, Guatemala, Salvador, the German Empire, Great Britain for certain West Indian colonies and British Guiana, Nicaragua, Honduras, and Austria-Hungary.*

Of these, those with Guatemala, Salvador, the German Empire, Great Britain, Nicaragua, Honduras, and Austria-Hungary have been concluded since my last annual message. Under these trade arrangements a free or favored admission has been secured in every case for an important list of American products. Especial care has been taken to secure markets for farm products, in order to relieve that great underlying industry of the depression which the lack of an adequate foreign market for our surplus often brings. An opening has also been made for manufactured products that will undoubtedly, if this policy is maintained, greatly augment our export trade. The full benefits of these arrangements can not be realized instantly. New lines of trade are to be opened. The commercial traveler must survey the field. The manufacturer must adapt his goods to the new markets and facilities for exchange must be established. This work has been well begun, our merchants and manufacturers having entered the new fields with courage and enterprise. In the case of food products, and especially with Cuba, the trade did not need to wait, and the immediate results have been most gratifying. If this policy and these trade arrangements can be continued in force and aided by the establishment of American steamship lines, I do not doubt that we shall within a short period secure fully one-third of the total trade of the countries of Central and South America, which now amounts to about $600,000,000 annually. In 1885 we had only 8 per cent of this trade.

The following statistics show the increase in our trade with the countries with which we have reciprocal trade agreements from the date when such agreements went into effect up to September 30, 1892, the increase being in some almost wholly and in others in an important degree the result of these agreements:

The domestic exports to Germany and Austria-Hungary have in-

* See pp. 5576–5577, 5587–5590, 5583–5587, 5716–5718, 5684–5686, 5693–5695, 5688–5693, 5698–5700, 5714–5716, 5718–5719.

creased in value from $47,673,756 to $57,993,064, an increase of $10,319,308, or 21.63 per cent. With American countries the value of our exports has increased from $44,160,285 to $54,613,598, an increase of $10,453,313, or 23.67 per cent. The total increase in the value of exports to all the countries with which we have reciprocity agreements has been $20,772,621. This increase is chiefly in wheat, flour, meat, and dairy products and in manufactures of iron and steel and lumber. There has been a large increase in the value of imports from all these countries since the commercial agreements went into effect, amounting to $74,294,525, but it has been entirely in imports from the American countries, consisting mostly of sugar, coffee, india rubber, and crude drugs. The alarmed attention of our European competitors for the South American market has been attracted to this new American policy and to our acquisition and their loss of South American trade.

A treaty providing for the arbitration of the dispute between Great Britain and the United States as to the killing of seals in the Bering Sea was concluded on the 29th of February last. This treaty was accompanied by an agreement prohibiting pelagic sealing pending the arbitration, and a vigorous effort was made during this season to drive out all poaching sealers from the Bering Sea. Six naval vessels, three revenue cutters, and one vessel from the Fish Commission, all under the command of Commander Evans, of the Navy, were sent into the sea, which was systematically patrolled. Some seizures were made, and it is believed that the catch in the Bering Sea by poachers amounted to less than 500 seals. It is true, however, that in the North Pacific, while the seal herds were on their way to the passes between the Aleutian Islands, a very large number, probably 35,000, were taken. The existing statutes of the United States do not restrain our citizens from taking seals in the Pacific Ocean, and perhaps should not unless the prohibition can be extended to the citizens of other nations. I recommend that power be given to the President by proclamation to prohibit the taking of seals in the North Pacific by American vessels in case, either as the result of the findings of the Tribunal of Arbitration or otherwise, the restraints can be applied to the vessels of all countries. The case of the United States for the Tribunal of Arbitration has been prepared with great care and industry by the Hon. John W. Foster, and the counsel who represent this Government express confidence that a result substantially establishing our claims and preserving this great industry for the benefit of all nations will be attained.

During the past year a suggestion was received through the British minister that the Canadian government would like to confer as to the possibility of enlarging upon terms of mutual advantage the commercial exchanges of Canada and of the United States, and a conference was held at Washington, with Mr. Blaine acting for this Government and the British minister at this capital and three members of the Dominion cabinet acting as commissioners on the part of Great Britain. The

conference developed the fact that the Canadian government was only prepared to offer to the United States in exchange for the concessions asked the admission of natural products. The statement was frankly made that favored rates could not be given to the United States as against the mother country. This admission, which was foreseen, necessarily terminated the conference upon this question. The benefits of an exchange of natural products would be almost wholly with the people of Canada. Some other topics of interest were considered in the conference, and have resulted in the making of a convention for examining the Alaskan boundary and the waters of Passamaquoddy Bay adjacent to Eastport, Me., and in the initiation of an arrangement for the protection of fish life in the coterminous and neighboring waters of our northern border.

The controversy as to tolls upon the Welland Canal, which was presented to Congress at the last session by special message,* having failed of adjustment, I felt constrained to exercise the authority conferred by the act of July 26, 1892, and to proclaim a suspension of the free use of St. Marys Falls Canal to cargoes in transit to ports in Canada.† The Secretary of the Treasury established such tolls as were thought to be equivalent to the exactions unjustly levied upon our commerce in the Canadian canals.

If, as we must suppose, the political relations of Canada and the disposition of the Canadian government are to remain unchanged, a somewhat radical revision of our trade relations should, I think, be made. Our relations must continue to be intimate, and they should be friendly. I regret to say, however, that in many of the controversies, notably those as to the fisheries on the Atlantic, the sealing interests on the Pacific, and the canal tolls, our negotiations with Great Britain have continuously been thwarted or retarded by unreasonable and unfriendly objections and protests from Canada. In the matter of the canal tolls our treaty rights were flagrantly disregarded. It is hardly too much to say that the Canadian Pacific and other railway lines which parallel our northern boundary are sustained by commerce having either its origin or terminus, or both, in the United States. Canadian railroads compete with those of the United States for our traffic, and without the restraints of our interstate-commerce act. Their cars pass almost without detention into and out of our territory.

The Canadian Pacific Railway brought into the United States from China and Japan via British Columbia during the year ended June 30, 1892, 23,239,689 pounds of freight, and it carried from the United States, to be shipped to China and Japan via British Columbia, 24,068,346 pounds of freight. There were also shipped from the United States over this road from Eastern ports of the United States to our Pacific ports during the same year 13,912,073 pounds of freight, and there were received over this road at the United States Eastern ports from ports on the Pacific

* See pp. 5675-5677. † See pp. 5725-5727.

Coast 13,293,315 pounds of freight. Mr. Joseph Nimmo, jr., former chief of the Bureau of Statistics, when before the Senate Select Committee on Relations with Canada, April 26, 1890, said that "the value of goods thus transported between different points in the United States across Canadian territory probably amounts to $100,000,000 a year."

There is no disposition on the part of the people or Government of the United States to interfere in the smallest degree with the political relations of Canada. That question is wholly with her own people. It is time for us, however, to consider whether, if the present state of things and trend of things is to continue, our interchanges upon lines of land transportation should not be put upon a different basis and our entire independence of Canadian canals and of the St. Lawrence as an outlet to the sea secured by the construction of an American canal around the Falls of Niagara and the opening of ship communication between the Great Lakes and one of our own seaports. We should not hesitate to avail ourselves of our great natural trade advantages. We should withdraw the support which is given to the railroads and steamship lines of Canada by a traffic that properly belongs to us and no longer furnish the earnings which lighten the otherwise crushing weight of the enormous public subsidies that have been given to them. The subject of the power of the Treasury to deal with this matter without further legislation has been under consideration, but circumstances have postponed a conclusion. It is probable that a consideration of the propriety of a modification or abrogation of the article of the treaty of Washington relating to the transit of goods in bond is involved in any complete solution of the question.

Congress at the last session was kept advised of the progress of the serious and for a time threatening difference between the United States and Chile. It gives me now great gratification to report that the Chilean Government in a most friendly and honorable spirit has tendered and paid as an indemnity to the families of the sailors of the *Baltimore* who were killed and to those who were injured in the outbreak in the city of Valparaiso the sum of $75,000. This has been accepted not only as an indemnity for a wrong done, but as a most gratifying evidence that the Government of Chile rightly appreciates the disposition of this Government to act in a spirit of the most absolute fairness and friendliness in our intercourse with that brave people. A further and conclusive evidence of the mutual respect and confidence now existing is furnished by the fact that a convention submitting to arbitration the mutual claims of the citizens of the respective Governments has been agreed upon. Some of these claims have been pending for many years and have been the occasion of much unsatisfactory diplomatic correspondence.

I have endeavored in every way to assure our sister Republics of Central and South America that the United States Government and its people have only the most friendly disposition toward them all. We do not covet their territory. We have no disposition to be oppressive or exacting in

our dealings with any of them, even the weakest. Our interests and our hopes for them all lie in the direction of stable governments by their people and of the largest development of their great commercial resources. The mutual benefits of enlarged commercial exchanges and of a more familiar and friendly intercourse between our peoples we do desire, and in this have sought their friendly cooperation.

I have believed, however, while holding these sentiments in the greatest sincerity, that we must insist upon a just responsibility for any injuries inflicted upon our official representatives or upon our citizens. This insistence, kindly and justly but firmly made, will, I believe, promote peace and mutual respect.

Our relations with Hawaii have been such as to attract an increased interest, and must continue to do so. I deem it of great importance that the projected submarine cable, a survey for which has been made, should be promoted. Both for naval and commercial uses we should have quick communication with Honolulu. We should before this have availed ourselves of the concession made many years ago to this Government for a harbor and naval station at Pearl River. Many evidences of the friendliness of the Hawaiian Government have been given in the past, and it is gratifying to believe that the advantage and necessity of a continuance of very close relations is appreciated.

The friendly act of this Government in expressing to the Government of Italy its reprobation and abhorrence of the lynching of Italian subjects in New Orleans by the payment of 125,000 francs, or $24,330.90, was accepted by the King of Italy with every manifestation of gracious appreciation, and the incident has been highly promotive of mutual respect and good will.

In consequence of the action of the French Government in proclaiming a protectorate over certain tribal districts of the west coast of Africa eastward of the San Pedro River, which has long been regarded as the southeastern boundary of Liberia, I have felt constrained to make protest against this encroachment upon the territory of a Republic which was founded by citizens of the United States and toward which this country has for many years held the intimate relation of a friendly counselor.

The recent disturbances of the public peace by lawless foreign marauders on the Mexican frontier have afforded this Government an opportunity to testify its good will for Mexico and its earnest purpose to fulfill the obligations of international friendship by pursuing and dispersing the evil doers. The work of relocating the boundary of the treaty of Guadalupe Hidalgo westward from El Paso is progressing favorably.

Our intercourse with Spain continues on a friendly footing. I regret, however, not to be able to report as yet the adjustment of the claims of the American missionaries arising from the disorders at Ponape, in the Caroline Islands, but I anticipate a satisfactory adjustment in view of renewed and urgent representations to the Government at Madrid.

The treatment of the religious and educational establishments of American citizens in Turkey has of late called for a more than usual share of attention. A tendency to curtail the toleration which has so beneficially prevailed is discernible and has called forth the earnest remonstrance of this Government. Harassing regulations in regard to schools and churches have been attempted in certain localities, but not without due protest and the assertion of the inherent and conventional rights of our countrymen. Violations of domicile and search of the persons and effects of citizens of the United States by apparently irresponsible officials in the Asiatic *vilayets* have from time to time been reported. An aggravated instance of injury to the property of an American missionary at Bourdour, in the Province of Konia, called forth an urgent claim for reparation, which I am pleased to say was promptly heeded by the Government of the Porte. Interference with the trading ventures of our citizens in Asia Minor is also reported, and the lack of consular representation in that region is a serious drawback to instant and effective protection. I can not believe that these incidents represent a settled policy, and shall not cease to urge the adoption of proper remedies.

International copyright has been extended to Italy by proclamation* in conformity with the act of March 3, 1891, upon assurance being given that Italian law permits to citizens of the United States the benefit of copyright on substantially the same basis as to subjects of Italy. By a special convention proclaimed January 15, 1892, reciprocal provisions of copyright have been applied between the United States and Germany. Negotiations are in progress with other countries to the same end.

I repeat with great earnestness the recommendation which I have made in several previous messages that prompt and adequate support be given to the American company engaged in the construction of the Nicaragua ship canal. It is impossible to overstate the value from every standpoint of this great enterprise, and I hope that there may be time, even in this Congress, to give to it an impetus that will insure the early completion of the canal and secure to the United States its proper relation to it when completed.

The Congress has been already advised that the invitations of this Government for the assembling of an international monetary conference to consider the question of an enlarged use of silver were accepted by the nations to which they were addressed. The conference assembled at Brussels on the 22d of November, and has entered upon the consideration of this great question. I have not doubted, and have taken occasion to express that belief as well in the invitations issued for this conference as in my public messages, that the free coinage of silver upon an agreed international ratio would greatly promote the interests of our people and equally those of other nations. It is too early to predict what results may be accomplished by the conference. If any temporary check or delay

*See p. 5736.

intervenes, I believe that very soon commercial conditions will compel the now reluctant governments to unite with us in this movement to secure the enlargement of the volume of coined money needed for the transaction of the business of the world.

The report of the Secretary of the Treasury will attract especial interest in view of the many misleading statements that have been made as to the state of the public revenues. Three preliminary facts should not only be stated but emphasized before looking into details: First, that the public debt has been reduced since March 4, 1889, $259,074,200, and the annual interest charge $11,684,469; second, that there have been paid out for pensions during this Administration up to November 1, 1892, $432,564,178.70, an excess of $114,466,386.09 over the sum expended during the period from March 1, 1885, to March 1, 1889; and, third, that under the existing tariff up to December 1 about $93,000,000 of revenue which would have been collected upon imported sugars if the duty had been maintained has gone into the pockets of the people, and not into the public Treasury, as before. If there are any who still think that the surplus should have been kept out of circulation by hoarding it in the Treasury, or deposited in favored banks without interest while the Government continued to pay to these very banks interest upon the bonds deposited as security for the deposits, or who think that the extended pension legislation was a public robbery, or that the duties upon sugar should have been maintained, I am content to leave the argument where it now rests while we wait to see whether these criticisms will take the form of legislation.

The revenues for the fiscal year ending June 30, 1892, from all sources were $425,868,260.22, and the expenditures for all purposes were $415,953,806.56, leaving a balance of $9,914,453.66. There were paid during the year upon the public debt $40,570,467.98. The surplus in the Treasury and the bank redemption fund passed by the act of July 14, 1890, to the general fund furnished in large part the cash available and used for the payments made upon the public debt. Compared with the year 1891, our receipts from customs duties fell off $42,069,241.08, while our receipts from internal revenue increased $8,284,823.13, leaving the net loss of revenue from these principal sources $33,784,417.95. The net loss of revenue from all sources was $32,675,972.81.

The revenues, estimated and actual, for the fiscal year ending June 30, 1893, are placed by the Secretary at $463,336,350.44, and the expenditures at $461,336,350.44, showing a surplus of receipts over expenditures of $2,000,000. The cash balance in the Treasury at the end of the fiscal year it is estimated will be $20,992,377.03. So far as these figures are based upon estimates of receipts and expenditures for the remaining months of the current fiscal year, there are not only the usual elements of uncertainty, but some added elements. New revenue legislation, or even the expectation of it, may seriously reduce the public revenues

during the period of uncertainty and during the process of business adjustment to the new conditions when they become known. But the Secretary has very wisely refrained from guessing as to the effect of possible changes in our revenue laws, since the scope of those changes and the time of their taking effect can not in any degree be forecast or foretold by him. His estimates must be based upon existing laws and upon a continuance of existing business conditions, except so far as these conditions may be affected by causes other than new legislation.

The estimated receipts for the fiscal year ending June 30, 1894, are $490,121,365.38, and the estimated appropriations $457,261,335.33, leaving an estimated surplus of receipts over expenditures of $32,860,030.05. This does not include any payment to the sinking fund. In the recommendation of the Secretary that the sinking-fund law be repealed I concur. The redemption of bonds since the passage of the law to June 30, 1892, has already exceeded the requirements by the sum of $990,510,681.49. The retirement of bonds in the future before maturity should be a matter of convenience, not of compulsion. We should not collect revenue for that purpose, but only use any casual surplus. To the balance of $32,860,030.05 of receipts over expenditures for the year 1894 should be added the estimated surplus at the beginning of the year, $20,992,377.03, and from this aggregate there must be deducted, as stated by the Secretary, about $44,000,000 of estimated unexpended appropriations.

The public confidence in the purpose and ability of the Government to maintain the parity of all of our money issues, whether coin or paper, must remain unshaken. The demand for gold in Europe and the consequent calls upon us are in a considerable degree the result of the efforts of some of the European Governments to increase their gold reserves, and these efforts should be met by appropriate legislation on our part. The conditions that have created this drain of the Treasury gold are in an important degree political, and not commercial. In view of the fact that a general revision of our revenue laws in the near future seems to be probable, it would be better that any changes should be a part of that revision rather than of a temporary nature.

During the last fiscal year the Secretary purchased under the act of July 14, 1890, 54,355,748 ounces of silver and issued in payment therefor $51,106,608 in notes. The total purchases since the passage of the act have been 120,479,981 ounces and the aggregate of notes issued $116,783,590. The average price paid for silver during the year was 94 cents per ounce, the highest price being $1.02¾ July 1, 1891, and the lowest 83 cents March 21, 1892. In view of the fact that the monetary conference is now sitting and that no conclusion has yet been reached, I withhold any recommendation as to legislation upon this subject.

The report of the Secretary of War brings again to the attention of Congress some important suggestions as to the reorganization of the

infantry and artillery arms of the service, which his predecessors have before urgently presented. Our Army is small, but its organization should all the more be put upon the most approved modern basis. The conditions upon what we have called the "frontier" have heretofore required the maintenance of many small posts, but now the policy of concentration is obviously the right one. The new posts should have the proper strategic relations to the only "frontiers" we now have—those of the seacoast and of our northern and part of our southern boundary. I do not think that any question of advantage to localities or to States should determine the location of the new posts. The reorganization and enlargement of the Bureau of Military Information which the Secretary has effected is a work the usefulness of which will become every year more apparent. The work of building heavy guns and the construction of coast defenses has been well begun and should be carried on without check.

The report of the Attorney-General is by law submitted directly to Congress, but I can not refrain from saying that he has conducted the increasing work of the Department of Justice with great professional skill. He has in several directions secured from the courts decisions giving increased protection to the officers of the United States and bringing some classes of crime that escaped local cognizance and punishment into the tribunals of the United States, where they could be tried with impartiality.

The numerous applications for Executive clemency presented in behalf of persons convicted in United States courts and given penitentiary sentences have called my attention to a fact referred to by the Attorney-General in his report, namely, that a time allowance for good behavior for such prisoners is prescribed by the Federal statutes only where the State in which the penitentiary is located has made no such provision. Prisoners are given the benefit of the provisions of the State law regulating the penitentiary to which they may be sent. These are various, some perhaps too liberal and some perhaps too illiberal. The result is that a sentence for five years means one thing if the prisoner is sent to one State for confinement and quite a different thing if he is sent to another. I recommend that a uniform credit for good behavior be prescribed by Congress.

I have before expressed my concurrence in the recommendation of the Attorney-General that degrees of murder should be recognized in the Federal statutes, as they are, I believe, in all the States. These grades are founded on correct distinctions in crime. The recognition of them would enable the courts to exercise some discretion in apportioning punishment and would greatly relieve the Executive of what is coming to be a very heavy burden—the examination of these cases on application for commutation.

The aggregate of claims pending against the Government in the Court

of Claims is enormous. Claims to the amount of nearly $400,000,000 for the taking of or injury to the property of persons claiming to be loyal during the war are now before that court for examination. When to these are added the Indian depredation claims and the French spoliation claims, an aggregate is reached that is indeed startling. In the defense of all these cases the Government is at great disadvantage. The claimants have preserved their evidence, whereas the agents of the Government are sent into the field to rummage for what they can find. This difficulty is peculiarly great where the fact to be established is the disloyalty of the claimant during the war. If this great threat against our revenues is to have no other check, certainly Congress should supply the Department of Justice with appropriations sufficiently liberal to secure the best legal talent in the defense of these claims and to pursue its vague search for evidence effectively.

The report of the Postmaster-General shows a most gratifying increase and a most efficient and progressive management of the great business of that Department. The remarkable increase in revenues, in the number of post-offices, and in the miles of mail carriage furnishes further evidence of the high state of prosperity which our people are enjoying. New offices mean new hamlets and towns, new routes mean the extension of our border settlements, and increased revenues mean an active commerce. The Postmaster-General reviews the whole period of his administration of the office and brings some of his statistics down to the month of November last. The postal revenues have increased during the last year nearly $5,000,000. The deficit for the year ending June 30, 1892, is $848,341 less than the deficiency of the preceding year. The deficiency of the present fiscal year it is estimated will be reduced to $1,552,423, which will not only be extinguished during the next fiscal year, but a surplus of nearly $1,000,000 should then be shown. In these calculations the payments to be made under the contracts for ocean mail service have not been included. There have been added 1,590 new mail routes during the year, with a mileage of 8,563 miles, and the total number of new miles of mail trips added during the year is nearly 17,000,000. The number of miles of mail journeys added during the last four years is about 76,000,000, this addition being 21,000,000 miles more than were in operation in the whole country in 1861.

The number of post-offices has been increased by 2,790 during the year, and during the past four years, and up to October 29 last, the total increase in the number of offices has been nearly 9,000. The number of free-delivery offices has been nearly doubled in the last four years, and the number of money-order offices more than doubled within that time.

For the three years ending June 30, 1892, the postal revenue amounted to $197,744,359, which was an increase of $52,263,150 over the revenue for the three years ending June 30, 1888, the increase during the last three years being more than three and a half times as great as the increase

during the three years ending June 30, 1888. No such increase as that shown for these three years has ever previously appeared in the revenues of the Department. The Postmaster-General has extended to the post-offices in the larger cities the merit system of promotion introduced by my direction into the Departments here, and it has resulted there, as in the Departments, in a larger volume of work and that better done.

Ever since our merchant marine was driven from the sea by the rebel cruisers during the War of the Rebellion the United States has been paying an enormous annual tribute to foreign countries in the shape of freight and passage moneys. Our grain and meats have been taken at our own docks and our large imports there laid down by foreign shipmasters. An increasing torrent of American travel to Europe has contributed a vast sum annually to the dividends of foreign shipowners. The balance of trade shown by the books of our custom-houses has been very largely reduced and in many years altogether extinguished by this constant drain. In the year 1892 only 12.3 per cent of our imports were brought in American vessels. These great foreign steamships maintained by our traffic are many of them under contracts with their respective Governments by which in time of war they will become a part of their armed naval establishments. Profiting by our commerce in peace, they will become the most formidable destroyers of our commerce in time of war. I have felt, and have before expressed the feeling, that this condition of things was both intolerable and disgraceful. A wholesome change of policy, and one having in it much promise, as it seems to me, was begun by the law of March 3, 1891. Under this law contracts have been made by the Postmaster-General for eleven mail routes. The expenditure involved by these contracts for the next fiscal year approximates $954,123.33. As one of the results already reached sixteen American steamships, of an aggregate tonnage of 57,400 tons, costing $7,400,000, have been built or contracted to be built in American shipyards.

The estimated tonnage of all steamships required under existing contracts is 165,802, and when the full service required by these contracts is established there will be forty-one mail steamers under the American flag, with the probability of further necessary additions in the Brazilian and Argentine service. The contracts recently let for transatlantic service will result in the construction of five ships of 10,000 tons each, costing $9,000,000 to $10,000,000, and will add, with the *City of New York* and *City of Paris*, to which the Treasury Department was authorized by legislation at the last session to give American registry, seven of the swiftest vessels upon the sea to our naval reserve. The contracts made with the lines sailing to Central and South American ports have increased the frequency and shortened the time of the trips, added new ports of call, and sustained some lines that otherwise would almost certainly have been withdrawn. The service to Buenos Ayres is the first to the Argentine Republic under the American flag. The service to Southampton,

Boulogne, and Antwerp is also new, and is to be begun with the steamships *City of New York* and *City of Paris* in February next.

I earnestly urge the continuance of the policy inaugurated by this legislation, and that the appropriations required to meet the obligations of the Government under the contracts may be made promptly, so that the lines that have entered into these engagements may not be embarrassed. We have had, by reason of connections with the transcontinental railway lines constructed through our own territory, some advantages in the ocean trade of the Pacific that we did not possess on the Atlantic. The construction of the Canadian Pacific Railway and the establishment under large subventions from Canada and England of fast steamship service from Vancouver with Japan and China seriously threaten our shipping interests in the Pacific. This line of English steamers receives, as is stated by the Commissioner of Navigation, a direct subsidy of $400,000 annually, or $30,767 per trip for thirteen voyages, in addition to some further aid from the Admiralty in connection with contracts under which the vessels may be used for naval purposes. The competing American Pacific mail line under the act of March 3, 1891, receives only $6,389 per round trip.

Efforts have been making within the last year, as I am informed, to establish under similar conditions a line between Vancouver and some Australian port, with a view of seizing there a trade in which we have had a large interest. The Commissioner of Navigation states that a very large per cent of our imports from Asia are now brought to us by English steamships and their connecting railways in Canada. With a view of promoting this trade, especially in tea, Canada has imposed a discriminating duty of 10 per cent upon tea and coffee brought into the Dominion from the United States. If this unequal contest between American lines without subsidy, or with diminished subsidies, and the English Canadian line to which I have referred is to continue, I think we should at least see that the facilities for customs entry and transportation across our territory are not such as to make the Canadian route a favored one, and that the discrimination as to duties to which I have referred is met by a like discrimination as to the importation of these articles from Canada.

No subject, I think, more nearly touches the pride, the power, and the prosperity of our country than this of the development of our merchant marine upon the sea. If we could enter into conference with other competitors and all would agree to withhold government aid, we could perhaps take our chances with the rest; but our great competitors have established and maintained their lines by government subsidies until they now have practically excluded us from participation. In my opinion no choice is left to us but to pursue, moderately at least, the same lines.

The report of the Secretary of the Navy exhibits great progress in the construction of our new Navy. When the present Secretary entered

upon his duties, only 3 modern steel vessels were in commission. The vessels since put in commission and to be put in commission during the winter will make a total of 19 during his administration of the Department. During the current year 10 war vessels and 3 navy tugs have been launched, and during the four years 25 vessels will have been launched. Two other large ships and a torpedo boat are under contract and the work upon them well advanced, and the 4 monitors are awaiting only the arrival of their armor, which has been unexpectedly delayed, or they would have been before this in commission.

Contracts have been let during this Administration, under the appropriations for the increase of the Navy, including new vessels and their appurtenances, to the amount of $35,000,000, and there has been expended during the same period for labor at navy-yards upon similar work $8,000,000 without the smallest scandal or charge of fraud or partiality. The enthusiasm and interest of our naval officers, both of the staff and line, have been greatly kindled. They have responded magnificently to the confidence of Congress and have demonstrated to the world an unexcelled capacity in construction, in ordnance, and in everything involved in the building, equipping, and sailing of great war ships.

At the beginning of Secretary Tracy's administration several difficult problems remained to be grappled with and solved before the efficiency in action of our ships could be secured. It is believed that as the result of new processes in the construction of armor plate our later ships will be clothed with defensive plates of higher resisting power than are found on any war vessels afloat. We were without torpedoes. Tests have been made to ascertain the relative efficiency of different constructions, a torpedo has been adopted, and the work of construction is now being carried on successfully. We were without armor-piercing shells and without a shop instructed and equipped for the construction of them. We are now making what is believed to be a projectile superior to any before in use. A smokeless powder has been developed and a slow-burning powder for guns of large caliber. A high explosive capable of use in shells fired from service guns has been found, and the manufacture of gun cotton has been developed so that the question of supply is no longer in doubt.

The development of a naval militia, which has been organized in eight States and brought into cordial and cooperative relations with the Navy, is another important achievement. There are now enlisted in these organizations 1,800 men, and they are likely to be greatly extended. I recommend such legislation and appropriations as will encourage and develop this movement. The recommendations of the Secretary will, I do not doubt, receive the friendly consideration of Congress, for he has enjoyed, as he has deserved, the confidence of all those interested in the development of our Navy, without any division upon partisan lines. I earnestly express the hope that a work which has made such noble

progress may not now be stayed. The wholesome influence for peace and the increased sense of security which our citizens domiciled in other lands feel when these magnificent ships under the American flag appear is already most gratefully apparent. The ships from our Navy which will appear in the great naval parade next April in the harbor of New York will be a convincing demonstration to the world that the United States is again a naval power.

The work of the Interior Department, always very burdensome, has been larger than ever before during the administration of Secretary Noble. The disability-pension law, the taking of the Eleventh Census, the opening of vast areas of Indian lands to settlement, the organization of Oklahoma, and the negotiations for the cession of Indian lands furnish some of the particulars of the increased work, and the results achieved testify to the ability, fidelity, and industry of the head of the Department and his efficient assistants.

Several important agreements for the cession of Indian lands negotiated by the commission appointed under the act of March 2, 1889, are awaiting the action of Congress. Perhaps the most important of these is that for the cession of the Cherokee Strip. This region has been the source of great vexation to the executive department and of great friction and unrest between the settlers who desire to occupy it and the Indians who assert title. The agreement which has been made by the commission is perhaps the most satisfactory that could have been reached. It will be noticed that it is conditioned upon its ratification by Congress before March 4, 1893. The Secretary of the Interior, who has given the subject very careful thought, recommends the ratification of the agreement, and I am inclined to follow his recommendation. Certain it is that some action by which this controversy shall be brought to an end and these lands opened to settlement is urgent.

The form of government provided by Congress on May 17, 1884, for Alaska was in its frame and purpose temporary. The increase of population and the development of some important mining and commercial interests make it imperative that the law should be revised and better provision made for the arrest and punishment of criminals.

The report of the Secretary shows a very gratifying state of facts as to the condition of the General Land Office. The work of issuing agricultural patents, which seemed to be hopelessly in arrear when the present Secretary undertook the duties of his office, has been so expedited that the bureau is now upon current business. The relief thus afforded to honest and worthy settlers upon the public lands by giving to them an assured title to their entries has been of incalculable benefit in developing the new States and the Territories.

The Court of Private Land Claims, established by Congress for the promotion of this policy of speedily settling contested land titles, is making satisfactory progress in its work, and when the work is completed a great

impetus will be given to the development of those regions where unsettled claims under Mexican grants have so long exercised their repressive influence. When to these results are added the enormous cessions of Indian lands which have been opened to settlement, aggregating during this Administration nearly 26,000,000 acres, and the agreements negotiated and now pending in Congress for ratification by which about 10,000,000 additional acres will be opened to settlement, it will be seen how much has been accomplished.

The work in the Indian Bureau in the execution of the policy of recent legislation has been largely directed to two chief purposes: First, the allotment of lands in severalty to the Indians and the cession to the United States of the surplus lands, and, secondly, to the work of educating the Indian for his own protection in his closer contact with the white man and for the intelligent exercise of his new citizenship. Allotments have been made and patents issued to 5,900 Indians under the present Secretary and Commissioner, and 7,600 additional allotments have been made for which patents are now in process of preparation. The school attendance of Indian children has been increased during that time over 13 per cent, the enrollment for 1892 being nearly 20,000. A uniform system of school text-books and of study has been adopted and the work in these national schools brought as near as may be to the basis of the free common schools of the States. These schools can be transferred and merged into the common-school systems of the States when the Indian has fully assumed his new relation to the organized civil community in which he resides and the new States are able to assume the burden. I have several times been called upon to remove Indian agents appointed by me, and have done so promptly upon every sustained complaint of unfitness or misconduct. I believe, however, that the Indian service at the agencies has been improved and is now administered on the whole with a good degree of efficiency. If any legislation is possible by which the selection of Indian agents can be wholly removed from all partisan suggestions or considerations, I am sure it would be a great relief to the Executive and a great benefit to the service. The appropriation for the subsistence of the Cheyenne and Arapahoe Indians made at the last session of Congress was inadequate. This smaller appropriation was estimated for by the Commissioner upon the theory that the large fund belonging to the tribe in the public Treasury could be and ought to be used for their support. In view, however, of the pending depredation claims against this fund and other considerations, the Secretary of the Interior on the 12th of April last submitted a supplemental estimate for $50,000. This appropriation was not made, as it should have been, and the oversight ought to be remedied at the earliest possible date.

In a special message to this Congress at the last session* I stated the reasons why I had not approved the deed for the release to the United

*See pp. 5664–5669.

States by the Choctaws and Chickasaws of the lands formerly embraced in the Cheyenne and Arapahoe Reservation and remaining after allotments to that tribe. A resolution of the Senate expressing the opinion of that body that notwithstanding the facts stated in my special message the deed should be approved and the money, $2,991,450, paid over was presented to me May 10, 1892. My special message was intended to call the attention of Congress to the subject, and in view of the fact that it is conceded that the appropriation proceeded upon a false basis as to the amount of lands to be paid for and is by $50,000 in excess of the amount they are entitled to (even if their claim to the land is given full recognition at the rate agreed upon), I have not felt willing to approve the deed, and shall not do so, at least until both Houses of Congress have acted upon the subject. It has been informally proposed by the claimants to release this sum of $50,000, but I have no power to demand or accept such a release, and such an agreement would be without consideration and void.

I desire further to call the attention of Congress to the fact that the recent agreement concluded with the Kiowas and Comanches relates to lands which were a part of the "leased district," and to which the claim of the Choctaws and Chickasaws is precisely that recognized by Congress in the legislation I have referred to. The surplus lands to which this claim would attach in the Kiowa and Comanche Reservation is 2,500,000 acres, and at the same rate the Government will be called upon to pay to the Choctaws and Chickasaws for these lands $3,125,000. This sum will be further augmented, especially if the title of the Indians to the tract now Greer County, Tex., is established. The duty devolved upon me in this connection was simply to pass upon the form of the deed; but as in my opinion the facts mentioned in my special message were not adequately brought to the attention of Congress in connection with the legislation, I have felt that I would not be justified in acting without some new expression of the legislative will.

The report of the Commissioner of Pensions, to which extended notice is given by the Secretary of the Interior in his report, will attract great attention. Judged by the aggregate amount of work done, the last year has been the greatest in the history of the office. I believe that the organization of the office is efficient and that the work has been done with fidelity. The passage of what is known as the disability bill has, as was foreseen, very largely increased the annual disbursements to the disabled veterans of the Civil War. The estimate for this fiscal year was $144,956,000, and that amount was appropriated. A deficiency amounting to $10,508,621 must be provided for at this session. The estimate for pensions for the fiscal year ending June 30, 1894, is $165,000,000. The Commissioner of Pensions believes that if the present legislation and methods are maintained and further additions to the pension laws are not made the maximum expenditure for pensions will be reached June 30, 1894, and will be at the highest point $188,000,000 per annum.

I adhere to the views expressed in previous messages that the care of the disabled soldiers of the War of the Rebellion is a matter of national concern and duty. Perhaps no emotion cools sooner than that of gratitude, but I can not believe that this process has yet reached a point with our people that would sustain the policy of remitting the care of these disabled veterans to the inadequate agencies provided by local laws. The parade on the 20th of September last upon the streets of this capital of 60,000 of the surviving Union veterans of the War of the Rebellion was a most touching and thrilling episode, and the rich and gracious welcome extended to them by the District of Columbia and the applause that greeted their progress from tens of thousands of people from all the States did much to revive the glorious recollections of the Grand Review when these men and many thousand others now in their graves were welcomed with grateful joy as victors in a struggle in which the national unity, honor, and wealth were all at issue.

In my last annual message I called attention to the fact that some legislative action was necessary in order to protect the interests of the Government in its relations with the Union Pacific Railway. The Commissioner of Railroads has submitted a very full report, giving exact information as to the debt, the liens upon the company's property, and its resources. We must deal with the question as we find it and take that course which will under existing conditions best secure the interests of the United States. I recommended in my last annual message that a commission be appointed to deal with this question, and I renew that recommendation and suggest that the commission be given full power.

The report of the Secretary of Agriculture contains not only a most interesting statement of the progressive and valuable work done under the administration of Secretary Rusk, but many suggestions for the enlarged usefulness of this important Department. In the successful efforts to break down the restrictions to the free introduction of our meat products in the countries of Europe the Secretary has been untiring from the first, stimulating and aiding all other Government officers at home and abroad whose official duties enabled them to participate in the work. The total trade in hog products with Europe in May, 1892, amounted to 82,000,000 pounds, against 46,900,000 in the same month of 1891; in June, 1892, the export aggregated 85,700,000 pounds, against 46,500,000 pounds in the same month of the previous year; in July there was an increase of 41 per cent and in August of 55 per cent over the corresponding months of 1891. Over 40,000,000 pounds of inspected pork have been exported since the law was put into operation, and a comparison of the four months of May, June, July, and August, 1892, with the same months of 1891 shows an increase in the number of pounds of our export of pork products of 62 per cent and an increase in value of 66½ per cent. The exports of dressed beef increased from 137,900,000 pounds in 1889 to 220,500,000 pounds in 1892, or about 60 per cent. During the past

year there have been exported 394,607 head of live cattle, as against 205,786 exported in 1889. This increased exportation has been largely promoted by the inspection authorized by law and the faithful efforts of the Secretary and his efficient subordinates to make that inspection thorough and to carefully exclude from all cargoes diseased or suspected cattle. The requirement of the English regulations that live cattle arriving from the United States must be slaughtered at the docks had its origin in the claim that pleuro-pneumonia existed among American cattle and that the existence of the disease could only certainly be determined by a *post mortem* inspection.

The Department of Agriculture has labored with great energy and faithfulness to extirpate this disease, and on the 26th day of September last a public announcement was made by the Secretary that the disease no longer existed anywhere within the United States. He is entirely satisfied after the most searching inquiry that this statement was justified, and that by a continuance of the inspection and quarantine now required of cattle brought into this country the disease can be prevented from again getting any foothold. The value to the cattle industry of the United States of this achievement can hardly be estimated. We can not, perhaps, at once insist that this evidence shall be accepted as satisfactory by other countries; but if the present exemption from the disease is maintained and the inspection of our cattle arriving at foreign ports, in which our own veterinarians participate, confirms it, we may justly expect that the requirement that our cattle shall be slaughtered at the docks will be revoked, as the sanitary restrictions upon our pork products have been. If our cattle can be taken alive to the interior, the trade will be enormously increased.

Agricultural products constituted 78.1 per cent of our unprecedented exports for the fiscal year which closed June 30, 1892, the total exports being $1,030,278,030 and the value of the agricultural products $793,717,676, which exceeds by more than $150,000,000 the shipment of agricultural products in any previous year.

An interesting and a promising work for the benefit of the American farmer has been begun through agents of the Agricultural Department in Europe, and consists in efforts to introduce the various products of Indian corn as articles of human food. The high price of rye offered a favorable opportunity for the experiment in Germany of combining corn meal with rye to produce a cheaper bread. A fair degree of success has been attained, and some mills for grinding corn for food have been introduced. The Secretary is of the opinion that this new use of the products of corn has already stimulated exportations, and that if diligently prosecuted large and important markets can presently be opened for this great American product.

The suggestions of the Secretary for an enlargement of the work of the Department are commended to your favorable consideration. It

may, I think, be said without challenge that in no corresponding period has so much been done as during the last four years for the benefit of American agriculture.

The subject of quarantine regulations, inspection, and control was brought suddenly to my attention by the arrival at our ports in August last of vessels infected with cholera. Quarantine regulations should be uniform at all our ports. Under the Constitution they are plainly within the exclusive Federal jurisdiction when and so far as Congress shall legislate. In my opinion the whole subject should be taken into national control and adequate power given to the Executive to protect our people against plague invasions. On the 1st of September last I approved regulations establishing a twenty-day quarantine for all vessels bringing immigrants from foreign ports. This order will be continued in force. Some loss and suffering have resulted to passengers, but a due care for the homes of our people justifies in such cases the utmost precaution. There is danger that with the coming of spring cholera will again appear, and a liberal appropriation should be made at this session to enable our quarantine and port officers to exclude the deadly plague.

But the most careful and stringent quarantine regulations may not be sufficient absolutely to exclude the disease. The progress of medical and sanitary science has been such, however, that if approved precautions are taken at once to put all of our cities and towns in the best sanitary condition, and provision is made for isolating any sporadic cases and for a thorough disinfection, an epidemic can, I am sure, be avoided. This work appertains to the local authorities, and the responsibility and the penalty will be appalling if it is neglected or unduly delayed.

We are peculiarly subject in our great ports to the spread of infectious diseases by reason of the fact that unrestricted immigration brings to us out of European cities, in the overcrowded steerages of great steamships, a large number of persons whose surroundings make them the easy victims of the plague. This consideration, as well as those affecting the political, moral, and industrial interests of our country, leads me to renew the suggestion that admission to our country and to the high privileges of its citizenship should be more restricted and more careful. We have, I think, a right and owe a duty to our own people, and especially to our working people, not only to keep out the vicious, the ignorant, the civil disturber, the pauper, and the contract laborer, but to check the too great flow of immigration now coming by further limitations.

The report of the World's Columbian Exposition has not yet been submitted. That of the board of management of the Government exhibit has been received and is herewith transmitted. The work of construction and of preparation for the opening of the exposition in May next has progressed most satisfactorily and upon a scale of liberality and magnificence that will worthily sustain the honor of the United States.

The District of Columbia is left by a decision of the supreme court of the District without any law regulating the liquor traffic. An old statute of the legislature of the District relating to the licensing of various vocations has hitherto been treated by the Commissioners as giving them power to grant or refuse licenses to sell intoxicating liquors and as subjecting those who sold without licenses to penalties; but in May last the supreme court of the District held against this view of the powers of the Commissioners. It is of urgent importance, therefore, that Congress should supply, either by direct enactment or by conferring discretionary powers upon the Commissioners, proper limitations and restraints upon the liquor traffic in the District. The District has suffered in its reputation by many crimes of violence, a large per cent of them resulting from drunkenness and the liquor traffic. The capital of the nation should be freed from this reproach by the enactment of stringent restrictions and limitations upon the traffic.

In renewing the recommendation which I have made in three preceding annual messages that Congress should legislate for the protection of railroad employees against the dangers incident to the old and inadequate methods of braking and coupling which are still in use upon freight trains, I do so with the hope that this Congress may take action upon the subject. Statistics furnished by the Interstate Commerce Commission show that during the year ending June 30, 1891, there were forty-seven different styles of car couplers reported to be in use, and that during the same period there were 2,660 employees killed and 26,140 injured. Nearly 16 per cent of the deaths occurred in the coupling and uncoupling of cars and over 36 per cent of the injuries had the same origin.

The Civil Service Commission ask for an increased appropriation for needed clerical assistance, which I think should be given. I extended the classified service March 1, 1892, to include physicians, superintendents, assistant superintendents, school-teachers, and matrons in the Indian service, and have had under consideration the subject of some further extensions, but have not as yet fully determined the lines upon which extensions can most properly and usefully be made.

I have in each of the three annual messages which it has been my duty to submit to Congress called attention to the evils and dangers connected with our election methods and practices as they are related to the choice of officers of the National Government. In my last annual message I endeavored to invoke serious attention to the evils of unfair apportionments for Congress. I can not close this message without again calling attention to these grave and threatening evils. I had hoped that it was possible to secure a nonpartisan inquiry by means of a commission into evils the existence of which is known to all, and that out of this might grow legislation from which all thought of partisan advantage should be eliminated and only the higher thought appear of maintaining the freedom and purity of the ballot and the equality of the

elector, without the guaranty of which the Government could never have been formed and without the continuance of which it can not continue to exist in peace and prosperity.

It is time that mutual charges of unfairness and fraud between the great parties should cease and that the sincerity of those who profess a desire for pure and honest elections should be brought to the test of their willingness to free our legislation and our election methods from everything that tends to impair the public confidence in the announced result. The necessity for an inquiry and for legislation by Congress upon this subject is emphasized by the fact that the tendency of the legislation in some States in recent years has in some important particulars been away from and not toward free and fair elections and equal apportionments. Is it not time that we should come together upon the high plane of patriotism while we devise methods that shall secure the right of every man qualified by law to cast a free ballot and give to every such ballot an equal value in choosing our public officers and in directing the policy of the Government?

Lawlessness is not less such, but more, where it usurps the functions of the peace officer and of the courts. The frequent lynching of colored people accused of crime is without the excuse, which has sometimes been urged by mobs for a failure to pursue the appointed methods for the punishment of crime, that the accused have an undue influence over courts and juries. Such acts are a reproach to the community where they occur, and so far as they can be made the subject of Federal jurisdiction the strongest repressive legislation is demanded. A public sentiment that will sustain the officers of the law in resisting mobs and in protecting accused persons in their custody should be promoted by every possible means. The officer who gives his life in the brave discharge of this duty is worthy of special honor. No lesson needs to be so urgently impressed upon our people as this, that no worthy end or cause can be promoted by lawlessness.

This exhibit of the work of the Executive Departments is submitted to Congress and to the public in the hope that there will be found in it a due sense of responsibility and an earnest purpose to maintain the national honor and to promote the happiness and prosperity of all our people, and this brief exhibit of the growth and prosperity of the country will give us a level from which to note the increase or decadence that new legislative policies may bring to us. There is no reason why the national influence, power, and prosperity should not observe the same rates of increase that have characterized the past thirty years. We carry the great impulse and increase of these years into the future. There is no reason why in many lines of production we should not surpass all other nations, as we have already done in some. There are no near frontiers to our possible development. Retrogression would be a crime.

BENJ. HARRISON.

SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 7, 1892.*

To the Senate:

In response to the resolution of the Senate of April 11, 1892, requesting information in regard to the agreement between the United States and Great Britain of 1817 concerning the naval forces to be maintained by the two Governments on the Great Lakes, I transmit herewith a report of the Secretary of State and accompanying papers, giving all the information existing in that Department in regard to the agreement in question.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 4, 1893.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the 23d of December, 1892, from the Secretary of the Interior, accompanied by an agreement concluded by and between the Cherokee Commission and the Comanche, Kiowa, and Apache tribes of Indians in the Territory of Oklahoma, for the cession of certain lands and for other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 4, 1893.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the 23d of December, 1892, from the Secretary of the Interior, accompanied by an agreement concluded by and between the Cherokee Commission and the Pawnee tribe of Indians in the Territory of Oklahoma, for the cession of certain lands and for other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, January 7, 1893.

To the Senate:

In response to the resolution of the Senate of January 6, 1893, calling on the Secretary of State for information whether the provisions of Senate bill No. 3513, absolutely suspending immigration for the period of one year, are in conflict with any treaties now existing between the United States and any foreign countries, I transmit herewith a report from the Secretary of State, giving the information called for.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, January 11, 1893.

To the Senate:

In response to the resolutions of the Senate dated December 20, 1892, and January 5, 1893, respectively, I transmit herewith a report from the Secretary of State of the 10th instant, accompanying the reports of Mr. Walter T. Griffin, United States commercial agent at Limoges, France, and Mr. W. H. Edwards, United States consul-general at Berlin, Germany, which were called for by the aforesaid resolutions.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 13, 1893.*

To the Senate and House of Representatives:

I transmit herewith, for your information, a letter from the Secretary of State, inclosing the annual report of the Bureau of American Republics for the year ending June 30, 1892.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, January 25, 1893.

To the Senate of the United States:

In response to the resolution of the Senate of the 21st instant, relating to the alleged killing of Frank B. Riley, a sailor of the United States steamship *Newark*, in Genoa, Italy, I transmit herewith a report on the subject from the Secretary of State.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 26, 1893.*

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, the third regular report of the World's Columbian Commission and the report of the president of the board of lady managers, with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 31, 1893.*

To the Senate of the United States:

In compliance with a resolution of the Senate, the House of Representatives concurring, I return herewith the bill (S. 2625) entitled "An act to provide for the punishment of offenses on the high seas."

BENJ. HARRISON.

EXECUTIVE MANSION, *February 2, 1893.*

To the Senate and House of Representatives:

On the 23d of July last the following resolution of the House of Representatives was communicated to me:

Resolved, That the President be requested to inform the House, if not incompatible with the public interests, what regulations are now in force concerning the transportation of imported merchandise in bond or duty paid, and products or manufactures of the United States, from one port in the United States, over Canadian territory, to another port therein, under the provisions of section 3006 of the Revised Statutes; whether further legislation thereon is necessary or advisable, and especially whether a careful inspection of such merchandise should not be had at the frontiers of the United States upon the departure and arrival of such merchandise, and whether the interests of the United States do not require that each car containing such merchandise while in Canadian territory be in the custody and under the surveillance of an inspector of the customs department, the cost of such surveillance to be paid by the foreign carrier transporting such merchandise.

The resolution is limited in its scope to the subject of the transit of merchandise from one port in the United States, through Canadian territory, to another port in the United States, under the provisions of section 3006 of the Revised Statutes; but I have concluded that a review of our treaty obligations, if any, and of our legislation upon the whole subject of the transit of goods from, to, or through Canada is desirable, and therefore address this message to the Congress.

It should be known before new legislation is proposed whether the United States is under any treaty obligations which affect this subject growing out of the provisions of Article XXIX of the treaty of Washington. That article is as follows:

It is agreed that for the term of years mentioned in Article XXXIII of this treaty goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that for the like period goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations and conditions for the protection of the revenue as the governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

It will be noticed that provision is here made—

First. For the transit in bond, without the payment of duties, of goods arriving at specified ports of the United States, and at others to be designated by the President, destined for Canada.

Second. For the transit from Canada to ports of the United States, without the payment of duties, of merchandise for export.

Third. For the transit of merchandise arriving at Canadian ports, destined for the United States, through Canadian territory to the United States, without the payment of duties to the Dominion government.

Fourth. For the transit of merchandise from the United States to Canadian ports for export without the payment of duties.

Fifth. For the transit of merchandise, without the payment of duties, from the United States, through Canada, to other places in the United States.

The first and second of these provisions were concessions by the United States and were made subject to "such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe." The third, fourth, and fifth provisions of the articles are concessions on the part of the Dominion of Canada and are made subject to "such rules and regulations and conditions for the protection of the revenue as the governments of the said possessions may from time to time prescribe." The first and second and the third and fourth of these provisions are reciprocal in their nature. The fifth, which provides for the transit of merchandise from one point in the United States, through Canada, to another point in the United States, is not met by a reciprocal provision for the passage of Canadian goods from one point in Canada to another point in Canada through the United States. If this article of the treaty is in force, the obligations assumed by the United States should be fully and honorably observed until such time as this Government shall free itself from them by methods provided in the treaty or recognized by international law. It is, however, no part of the obligation resting upon the United States under the treaty that it will use the concessions made to it by Canada. This Government would undoubtedly meet its full duty by yielding in an ample manner the concessions made by it to Canada. There could be no just cause of complaint by Great Britain or Canada if the compensating concession to the United States should not be exercised. We have not stipulated in the treaty that we will permit merchandise to be moved through Canadian territory from one point of the United States to another at the will of the shipper. The stipulation is on the part of Canada that it will permit such merchandise to enter its territory from the United States, to pass through it, and to return to the United States without the exaction of duties and without other burdens than such as may be necessary to protect its revenues.

The questions whether we shall continue to allow merchandise to pass from one point in the United States, through Canadian territory, to

another point in the United States, and, if so, to what exactions and examinations it shall be subjected on reentering our territory, are wholly within the power of Congress without reference to the question whether Article XXIX is or is not in force.

The treaty of Washington embraced a number of absolutely independent subjects. Its purpose, as recited, was "to provide for an amicable settlement of all causes of difference between the two countries." It provided for four distinct arbitrations of unsettled questions, including the Alabama claims, for a temporary settlement of the questions growing out of the fisheries, and for various arrangements affecting commerce and intercourse between the United States and the British North American possessions. Some of its provisions were made terminable by methods pointed out in the treaty. Articles I to XVII, inclusive, provide for the settlement of the Alabama claims and of the claims of British subjects against the United States, and have been fully executed. Articles XVIII to XXV, inclusive, relate to the subject of the fisheries, and provide for a joint commission to determine what indemnity should be paid to Great Britain for the fishing privileges conceded. These articles have been terminated by the notice provided for in the treaty.

Article XXVI provides for the free navigation of the St. Lawrence, Yukon, Porcupine, and Stikine rivers. Article XXVII provides for the equal use of certain frontier canals and waterways, and contains no provision for termination upon notice. Article XXVIII opens Lake Michigan to the commerce of British subjects under proper regulations, and contains a provision for its abrogation, to which reference will presently be made. Article XXX provides for certain privileges of transshipment on the Lakes and northern waterways, and contains the same provision as Article XXIX as to the method by which it may be terminated. Article XXXI provides for the nonimposition of a Canadian export duty on lumber cut in certain districts in Maine and floated to the sea by the St. Johns River, and contains no limitation as to time and no provision for its abrogation. Article XXXII extended to Newfoundland in the event of proper legislation by that Province the fishery provisions of Articles XVIII to XXV, and was of course abrogated with those articles. Article XXXIII, which provides a method for the abrogation of certain articles of the treaty, I will presently quote at length. The remaining articles of the treaty, namely XXXV to XLII, provide for the arbitration of the dispute as to the Vancouver Island and De Haro Channel boundary, and have been fully executed. Articles XVIII, XIX, XXI, XXVIII, XXIX, and XXX each contains a provision limiting their life to "the term of years mentioned in Article XXXIII of this treaty." The articles between XVIII and XXX, inclusive, which do not contain this provision, are those that provide for an arbitration of the fishery question, which were of course terminable by the completion of the arbitration; Article XXVI, relating to the navigation of the St. Lawrence and

other rivers, and Article XXVII, relating to the use of the canals. The question whether Article XXIX is still in force depends, so far as the construction of the treaty goes, upon the meaning of the words "the term of years mentioned in Article XXXIII." That article is as follows:

> The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one hand and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation, and, further, until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterwards.

The question of construction here presented is whether the reference to "the term of years mentioned in Article XXXIII" is to be construed as limiting the continuance of Article XXIX to the duration of Articles XVIII to XXV and XXX in such a way that the abrogation of those articles necessarily carried with it the other articles of the treaty which contained the reference to Article XXXIII already quoted, or whether the reference to this "term of years" in Articles XXVIII and XXIX was intended to provide a method of abrogation after ten years from the time of their taking effect, viz, a notice of two years of an intention to abrogate. The language of the treaty, considered alone, might support the conclusion that Article XXXIII was intended to provide a uniform method of abrogation for certain other articles. It will be noticed that the treaty does not expressly call for legislation to put Article XXIX into operation. Senator Edmunds, in the discussion in the Senate of the joint resolution terminating the fisheries article, took the view that no legislation was necessary. It seems to me, however, that such legislation was necessary, and Congress acted upon this view in the law of 1873, to which reference will presently be made. An examination of the discussion between the plenipotentiaries who framed the treaty furnishes this entry, which President Cleveland thought to be conclusive of the intention of the plenipotentiaries, viz:

> The transit question was discussed, and it was agreed that any settlement that might be made should include a reciprocal arrangement in that respect for the period for which the fishery articles should be in force.

On March 1, 1873, Congress passed an act entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to the fisheries." The act consisted of five sections, the first and second of which provided for carrying into effect the provisions of the treaty "relating to the fisheries." The fourth section provided for carrying into effect section 30 of the treaty. These three sections

THE WRECK OF THE *MAINE*, JUNE, 1911

THE RAISING OF THE *MAINE*

After considering proposals from many engineers, the Government decided to leave the task of recovering the *Maine* to the Engineers of the United States Army. Under their direction caissons were sunk in the harbor, as shown in the illustration, so as to enclose the wreck. The water within was then gradually pumped out. The danger was that the pressure of water on the outside of the caissons might destroy the protecting ring, and demolish all that had been constructed and wipe out the lives of the workmen. The plan, however, worked well, and enough has been seen of the hulk to prove that she was destroyed by two explosions, the first being that of some mine or projectile, and the second, that of the *Maine's* own magazine.

See the encyclopedic index (volume eleven) article, "Maine, The," and also President McKinley's account of the catastrophe on page 6277.

furnished the legislation contemplated by Article XXXIII of the treaty to carry into effect Articles XVIII to XXV and XXX. The act, however, went further, as will be seen by an examination of section 3, which is as follows:

> That from the date of the President's proclamation authorized by the first section of this act, and so long as the Articles XVIII to XXV, inclusive, and Article XXX of said treaty shall remain in force, according to the terms and conditions of Article XXXIII of said treaty, all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States, for export from the said ports of the United States.

It will be noticed that provision is here made for carrying into effect the two provisions of Article XXIX which I have already characterized as the concessions on the part of the United States, namely, the passage duty free from certain designated ports of the United States to Canada of imported goods, and the passage duty free to ports of the United States of Canadian goods for export. Section 3 of the law of 1873, which I have quoted, however, contains a legislative construction of Article XXIX of the treaty in the limitation that the provisions therein contained as to the transit of goods should continue in force only so long as Articles XVIII to XXV, inclusive, and XXX of the treaty should remain in force.

On March 3, 1883, Congress passed a joint resolution entitled as follows: "Joint resolution providing for the termination of articles numbered XVIII to XXV, inclusive, and article numbered XXX of the treaty between the United States of America and Her Britannic Majesty concluded at Washington May 8, 1871."

The resolution provided for the giving of notice of the abrogation of the articles of the treaty named in the title, and of no others. Section 3 contained the following provision:

> And the act of Congress approved March 1, A. D. 1873, entitled * * * so far as it relates to the articles of said treaty so to be terminated, shall be and stand repealed and be of no force on and after the time of the expiration of said two years.

An examination of the debates at the time of the passage of this joint resolution very clearly shows that Congress made an attempt to save Article XXIX of the treaty and section 3 of the act of 1873. In the Senate on the 21st of February, 1883, the resolution being under consideration, several Senators, including Mr. Edmunds, the chairman of the Judiciary Committee, expressed the opinion that Article XXIX would not be affected by the abrogation of Articles XVIII to XXV and XXX,

and an amendment was made to the resolution with a view to leave section 3 of the act of 1873 in force. The same view was taken in the debates in the House.

The subject again came before Congress in connection with the consideration of a bill (S. 3173) to "authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes."

In the course of the debate upon the bill in the Senate January 24, 1887, and in the House February 23 following, the prevailing opinion was, though not without some dissent, that Article XXIX was still in force.

On the 6th of July, 1887, in response to an inquiry by the Secretary of the Treasury, Mr. Bayard wrote a letter, a copy of which accompanies this message, in which he expresses the opinion that Article XXIX of the treaty was unaffected by the abrogation of the fisheries articles and was still in force. In August, 1888, however, Mr. Cleveland, in a message to Congress, expresses his opinion of the question in the following language:

> In any event, and whether the law of 1873 construes the treaty or governs it, section 29 of such treaty, I have no doubt, terminated with the proceedings taken by our Government to terminate Articles XVIII to XXV, inclusive, and Article XXX of the treaty. * * *
>
> If by any language used in the joint resolution it was intended to relieve section 3 of the act of 1873, embodying Article XXIX of the treaty, from its own limitations, or to save the article itself, I am entirely satisfied that the intention miscarried.

I have asked the opinion of the Attorney-General upon this question, and his answer accompanies this message. He is of the opinion that Article XXIX has been abrogated.

It should be added that the United States has continuously, through the Treasury Department, conducted our trade intercourse with Canada as if Article XXIX of the treaty and section 3 of the act of 1873 remained in force, and that Canada has continued to yield in practice the concessions made by her in that article. No change in our Treasury methods was made following Mr. Cleveland's message from which I have quoted. I am inclined to think that, using the aids which the protocol and the nearly contemporaneous legislation by Congress in the act of 1873 furnish in construing the treaty, the better opinion is that Article XXIX of the treaty is no longer operative. The enactment of section 3 of the act of 1873 was a clear declaration that legislation was necessary to put Article XXIX of the treaty into operation, and that under the treaty our obligation to provide such legislation terminated whenever Articles XVIII to XXV and XXX should be abrogated. This legislation was accepted by Great Britain as a compliance with our obligations under the treaty. No objection was made that our statute treated Article XXIX as having force only so long as the other articles named were in force.

But the question whether Article XXIX is in force has less practical

importance than has been supposed, for it does not, if in force, place any restraints upon the United States as to the method of dealing with imported merchandise destined for the United States arriving at a Canadian port for transportation to the United States, or of merchandise passing through Canadian territory from one place in the United States to another. It would be no infraction either of the letter or of the spirit of the treaty if we should stop, unload, and carefully inspect every vehicle arriving at our border with such merchandise; nor, on the other hand, would Canada violate her obligations under the treaty by a like treatment of merchandise imported through the port of New York on its arrival in Canada. Neither Government has placed itself under any restraint as to merchandise intended for the use of its own people when such merchandise comes within its own territory. The question, therefore, as to how we shall deal with merchandise imported by our own people through a Canadian port and with merchandise passing from one place in the United States to another through Canadian territory is wholly one of domestic policy and law.

I turn now to consider the legislation of Congress upon this subject, upon which, as it seems to me, the duties of the Treasury and the rights of our people as to those phases of the transportation question to which I have just alluded wholly depend. Sections 3005 and 3006 of the Revised Statutes, which are taken from the act of July 28, 1866, entitled "An act to protect the revenue, and for other purposes" (14 U. S. Statutes at Large, p. 328), are as follows:

SEC. 3005. All merchandise arriving at the ports of New York, Boston, Portland in Maine, or any other port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British Provinces, or arriving at the port of [*Point Isabel*] [Brownsville] in Texas, or any other port specially designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house and conveyed in transit through the territory of the United States without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

SEC. 3006. Imported merchandise in bond, or duty paid, and products or manufactures of the United States, may, with the consent of the proper authorities of the British Provinces or Republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such Provinces or Republic, by such routes and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such Provinces or Republic, be treated in regard to the liability to or exemption from duty or tax as if the transportation had taken place entirely within the limits of the United States.

Section 3102 of the Revised Statutes is also related to this subject, and is as follows:

To avoid the inspection at the first port of arrival, the owner, agent, master, or conductor of any such vessel, car, or other vehicle, or owner, agent, or other person having charge of any such merchandise, baggage, effects, or other articles, may apply to any officer of the United States duly authorized to act in the premises to seal or close the same, under and according to the regulations hereinafter authorized, previous

to their importation into the United States, which officer shall seal or close the same accordingly; whereupon the same may proceed to their port of destination without further inspection. Every such vessel, car, or other vehicle shall proceed without unnecessary delay to the port of its destination, as named in the manifest of its cargo, freight, or contents, and be there inspected. Nothing contained in this section shall be construed to exempt such vessel, car, or vehicle, or its contents, from such examination as may be necessary and proper to prevent frauds upon the revenue and violations of this title.

It will be noticed that section 3005 does not provide for the transit of merchandise through our territory from Canada to ports of the United States for export, nor have I been able to find any other law now in force that does provide for such transit. It would seem, therefore, that as to this concession made by the United States in Article XXIX of the treaty, legislation to put it into force was necessary, and that there is no such legislation unless section 3 of the act of 1873 was saved by the amendment to the joint resolution abrogating the fisheries articles and Article XXX, limiting the repeal to so much of said act as "relates to the articles of said treaty so to be terminated." The joint resolution certainly did not repeal section 3, and if that section has ceased to be operative it is by virtue of the limitation contained in the section itself. I think it did expire by its own express limitation.

The question has presented itself whether section 3 of the act of 1873 (U. S. Revised Statutes, sec. 2866) repealed by implication that section of the act of July, 1866, which is now section 3005 of the Revised Statutes; but I am of the opinion that the last-named section was not repealed. Section 3 of the act of 1873 was expressly intended to carry into effect a treaty obligation and was limited as to time. It contained no express repeal of the act of 1866, and while its provisions were broader than the last-named act, they were not inconsistent, save in the provision that while the act of 1873 was in force the additional ports in the United States at which Canadian goods might be received were to be designated by the President, whereas under the act of 1866 the designation was by the Secretary of the Treasury. The last-named act related also to intercourse with Mexico, and I think was unaffected by the act of 1873.

It will be seen that the law permits merchandise arriving at the ports of New York, Boston, Portland in Maine, and at other ports specially designated by the Secretary of the Treasury, for places in the adjacent British Provinces, to be entered at the custom-house of the port where it is landed and conveyed through the territory of the United States without the payment of duty, under regulations to be prescribed by the Secretary of the Treasury. As these goods come immediately and fully under the inspection of our customs officers at the principal ports, are entered there and remain until they cross our border into Canada fully under our supervision, there is little or no danger involved to our revenue. The regulations prescribed by the Treasury for conducting this traffic seem to me to be adequate.

As to merchandise imported into the United States from a contiguous foreign country, it is provided by section 3102 that the inspection at the first port of arrival in the United States may be avoided if the vehicle in which the same arrives has been sealed or closed by some officer of the United States duly authorized at some point in the contiguous country. When the act of closing or sealing conformably to the regulations of the Treasury has been effected, the car or other vehicle may proceed without unnecessary delay to the port of its destination, as named in the manifest of its cargo, freight, or contents, and be there inspected. This privilege, however, is subject to such examination at the point of entry to the United States as may be necessary to prevent fraud. It is important to be noticed that the merchandise to which this section refers is described in section 3100 as merchandise, etc., "imported into the United States from any contiguous foreign country."

A practice has grown up, and a traffic of considerable dimensions under it, of allowing merchandise from China and Japan, purchased and imported from those countries by our own citizens and landed at ports in the Dominion of Canada, to be there loaded into cars, which, being sealed by an officer of the United States or some one supposed to represent him, are forwarded through the territory of Canada, across the entire continent, and allowed to cross our frontier without other inspection than an examination of the seals. The real fact is that the American consul can not and does not either compare the manifest with the contents of the cars or attach the seals. The agents of the transportation companies are furnished by the consul with the seals and place them upon the cars. The practice of sealing such merchandise, notwithstanding it has been allowed by the Treasury for some years, I think is unauthorized. Such merchandise is not imported from a "contiguous country," but from China and Japan.

It has never become subject to the Canadian revenue laws as an importation from Japan to Canada, but by force of the treaty or by the courtesy of that government has been treated as subject to the revenue laws of the United States from the time of landing at the Canadian port. Our Treasury seal has been placed upon it; Canada only gives it passage. It is no more an importation from Canada than is a train load of wheat that starts from Detroit and is transported through Canada to another port of the United States. Section 3102 was enacted in 1864, two years before sections 3005 and 3006, and could not have had reference to the later methods of importing merchandise through one country to the other.

The practice to which I have referred not only equalizes the advantages of Canadian seaports with our own in the importation of goods for our domestic consumption, but makes the Canadian ports favored ports of entry. The detentions under this system at the Canadian ports are less than when the merchandise is landed at a port of the United States to be forwarded in bond to another port therein. Full effect should be

given to section 3102 as to merchandise imported into the United States from Canada, so far as the appropriations enable the Treasury to provide the officers to do the work of closing and sealing. It will, however, be required that all this kind of work be done, and carefully done, by an officer of the United States, and that the duty shall in no case be delegated to the employees of the transportation companies. The considerations that it is quite doubtful whether a fraud committed in Canada by one of our agents upon our revenue would be punishable in our courts, and that such a fraud committed by anyone else certainly would not be, and that even if such acts are made penal by our statutes the criminal would be secure against extradition, seem to me to be conclusive against the policy of attempting to maintain such revenue agents in Canadian territory.

I come now to discuss another element of this international traffic, namely, the transportation of merchandise from one "port" in the United States to another "port" therein over the territory of Canada. This traffic is enormous in its dimensions, and very great interests have grown up in the United States in connection with it. Section 3006 authorizes this traffic, subject to "such rules, regulations, and conditions as the Secretary of the Treasury may prescribe;" but the important limitation is from "port" to "port." Section 3007 of the Revised Statutes, which exempts sealed cars from certain fees, preserves the terms of the preceding section—from "port" to "port." It seems to me that sections 3006 and 3007 contemplate the delivery of the sealed cars at a "port" of the United States, there to be examined by a revenue officer and their contents verified; but in practice the car, if the seal is found at the border to be intact, is passed to places not "ports" and is opened and unloaded by the consignee, no officer being present. The bill or manifest accompanying the merchandise and the unbroken seal on the car may furnish *prima facie* evidence that the amount and kind of merchandise named in the manifest and said to be contained in the car came from a port in the United States, but certainly it was not intended that the merchandise should go to the owner without an official ascertainment of the correspondence between the bill and the actual contents of the car.

I pass at this point any discussion of the question whether as a national policy this traffic should be promoted. It is enough to say that as the law stands it is authorized between "ports" of the United States, and that the rules, regulations, and conditions to be prescribed by the Secretary of the Treasury must not, in view of this declaration of the legislative will, be further restrictive of the traffic than may reasonably be necessary to protect the revenues of the United States. In determining whether further regulations are reasonably necessary to prevent frauds against our revenue it is not conclusive, at least, to say that frauds against the revenue under the existing system have not been discovered. The question

is, Are the regulations such as to provide proper safeguards against fraud, or are they such as to make fraud easy to those who have the disposition to commit it? If all cars carrying this merchandise are carefully and honestly inspected at the point of lading and are securely closed during the transit, the revenue would be secure, for the proper lading of these cars is not subject to duty. Frauds can only be perpetrated by introducing products not subject to free entry. In practice the seals and locks provided by the Treasury Department do not give security that these cars, in the long transit in which they are free from observation by officers of the revenue, may not be opened and dutiable merchandise added.

The duplication of the seals used, composed of wire and lead, is easy, and the opening of locks scarcely less so. If, however, the cars, when they arrive in the United States, either at the point where our boundary is crossed or at some other port of the United States, were subject to the inspection of a revenue officer before the delivery to the consignee or owner, the manifest could be verified. The inspection, however, is now limited to an examination of the lock or seal. The car is not weighed or opened to verify its contents. I do not think this is an adequate protection against the surreptitious introduction into the cars, while on foreign territory, of dutiable articles. It will be seen by the letter of the Secretary of the Treasury that grain the product of the United States is now largely transported in American vessels to Canadian lake ports, and after being there placed in elevators is sent east in cars sealed by agents of the Treasury.

No observation is taken of this grain until its arrival in Canada, where only the amount and grade are noted by a Treasury agent, and a like amount in grade and quantity (though it may be not the identical grain) is by such agent billed and sealed in cars for carriage to the United States. I do not find any statute authorizing this practice. Section 3006, which authorizes this interstate trade through Canada, is limited to merchandise passing from "port" to "port" of the United States, and plainly means that such merchandise shall be taken up by our revenue officers at a "port" of the United States as a starting point.

The following are the conclusions at which I have arrived:

First. That Article XXIX of the treaty of Washington has been abrogated.

Second. That even if this article were in force there is no law in force to execute it.

Third. That when in force the treaty imposed no obligation upon the United States to use the concessions as to transit made by Canada, and no limitation upon the powers of the United States in dealing with merchandise imported for the use of our citizens through Canadian ports or passing from one place in the United States to another through Canada, upon the arrival of such merchandise at our border,

Fourth. That therefore, treaty or no treaty, the question of sealing cars containing such merchandise and the treatment of such sealed cars when they cross our border is and always has been one to be settled by our laws, according to our convenience and our interests as we may see them.

Fifth. That the law authorizing the sealing of cars in Canada containing foreign merchandise imported from a contiguous country does not apply to merchandise imported by our own people from countries not contiguous and carried through Canada for delivery to such owners.

Sixth. That the law did not contemplate the passing of sealed cars to any place not a "port," nor the delivery of such cars to the owner or consignee, to be opened by him without the supervision of a revenue officer.

Seventh. That such a practice is inconsistent with the safety of the revenue.

The statutes relating to the transportation of merchandise between the United States and the British possessions should be the subject of revision. The Treasury regulations have given to these laws a construction and a scope that I do not think was contemplated by Congress. A policy adapted to the new conditions, growing in part out of the construction of the Canadian Pacific Railroad, should be declared, and the business placed upon a basis more just to our people and to our transportation companies.

If we continue the policy of supervising rates and requiring that they shall be equal and reasonable upon the railroads of the United States, we can not in fairness at the same time give these unusual facilities for competition to Canadian roads that are free to pursue the practices as to cut rates and favored rates that we condemn and punish if practiced by our own railroads.

I regret that circumstances prevented an earlier examination by me of these questions, but submit now these views in the hope that they may lead to a revision of the laws upon a safer and juster basis.

I transmit herewith the correspondence between the Secretary of the Treasury and the Attorney-General upon some phases of this question.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 6, 1893.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication from the Secretary of the Interior, dated 4th instant, accompanied by an agreement concluded by and between the Turtle Mountain Indians and the commission appointed under the provisions of the Indian appropriation act of July 13, 1892, to negotiate with the Turtle Mountain band of Chippewa Indians in North Dakota for the cession and relinquishment

to the United States of whatever right or interest they have in and to any and all lands in said State to which they claim title, and for their removal to and settlement upon lands to be hereafter selected and determined upon by the Secretary of the Interior upon the recommendation of the proposed commissioners, subject to the approval of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, February 6, 1893.

To the Senate:

I transmit herewith, as desired by the resolution of the Senate of the 4th instant, a report from the Secretary of State of the 6th instant, with its accompanying correspondence, in relation to the draft of an uncompleted treaty with Hawaii made in 1854.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, D. C., February 8, 1893.

To the Senate and House of Representatives:

I transmit herewith the eighth annual report of the Commissioner of Labor. This report relates to industrial education in the United States and foreign countries.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, D. C., February 14, 1893.

To the Senate and House of Representatives:

I transmit herewith a special report of the Commissioner of Labor relating to compulsory insurance of workingmen in Germany and other countries.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 14, 1893.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 13th instant from the Secretary of the Interior, transmitting copy of reports of Lieutenants Brown, Gurovits, and Suplee, United States Army, who were charged with the duty of inspecting the Navajo country, so that the Interior Department could be advised as to the practicability of restraining the Navajoes within their present reservations and of furnishing irrigation and water for their flocks, together with report of the Commissioner of Indian Affairs upon the matter with draft of an item of appropriation to carry the same into effect.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, February 15, 1893.

To the Senate:.

I transmit herewith, with a view to its ratification, a treaty of annexation concluded on the 14th day of February, 1893, between John W. Foster, Secretary of State, who was duly empowered to act in that behalf on the part of the United States, and Lorin A. Thurston, W. R. Castle, W. C. Wilder, C. L. Carter, and Joseph Marsden, the commissioners on the part of the Government of the Hawaiian Islands. The provisional treaty, it will be observed, does not attempt to deal in detail with the questions that grow out of the annexation of the Hawaiian Islands to the United States. The commissioners representing the Hawaiian Government have consented to leave to the future and to the just and benevolent purposes of the United States the adjustment of all such questions.

I do not deem it necessary to discuss at any length the conditions which have resulted in this decisive action. It has been the policy of the Administration not only to respect but to encourage the continuance of an independent government in the Hawaiian Islands so long as it afforded suitable guaranties for the protection of life and property and maintained a stability and strength that gave adequate security against the domination of any other power. The moral support of this Government has continually manifested itself in the most friendly diplomatic relations and in many acts of courtesy to the Hawaiian rulers.

The overthrow of the monarchy was not in any way promoted by this Government, but had its origin in what seems to have been a reactionary and revolutionary policy on the part of Queen Liliuokalani, which put in serious peril not only the large and preponderating interests of the United States in the islands, but all foreign interests, and, indeed, the decent administration of civil affairs and the peace of the islands. It is quite evident that the monarchy had become effete and the Queen's Government so weak and inadequate as to be the prey of designing and unscrupulous persons. The restoration of Queen Liliuokalani to her throne is undesirable, if not impossible, and unless actively supported by the United States would be accompanied by serious disaster and the disorganization of all business interests. The influence and interest of the United States in the islands must be increased and not diminished.

Only two courses are now open—one the establishment of a protectorate by the United States, and the other annexation full and complete. I think the latter course, which has been adopted in the treaty, will be highly promotive of the best interests of the Hawaiian people, and is the only one that will adequately secure the interests of the United States. These interests are not wholly selfish. It is essential that none of the other great powers shall secure these islands. Such a possession would not consist with our safety and with the peace of the world. This view of the situation is so apparent and conclusive that no protest has been

heard from any government against proceedings looking to annexation. Every foreign representative at Honolulu promptly acknowledged the Provisional Government, and I think there is a general concurrence in the opinion that the deposed Queen ought not to be restored.

Prompt action upon this treaty is very desirable. If it meets the approval of the Senate, peace and good order will be secured in the islands under existing laws until such time as Congress can provide by legislation a permanent form of government for the islands. This legislation should be, and I do not doubt will be, not only just to the natives and all other residents and citizens of the islands, but should be characterized by great liberality and a high regard to the rights of all people and of all foreigners domiciled there. The correspondence which accompanies the treaty will put the Senate in possession of all the facts known to the Executive.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, February 16, 1893.

To the Senate:

I transmit herewith a letter from the Secretary of State of the 15th instant, covering a report, with accompanying correspondence, respecting relations between the United States and the Hawaiian Islands from September, 1820, to January, 1893.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, February 20, 1893.

To the Senate of the United States:

I transmit herewith a report submitted by the Acting Secretary of State in response to the resolution of the Senate of February 2 last, relating to the building of the Ozama River bridge at Santo Domingo City by American citizens.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, February 21, 1893.

To the Senate and House of Representatives:

I transmit herewith a communication of the Secretary of State, transmitting the official report of the American delegates to the International Monetary Conference convened at Brussels on November 22, 1892, with its accompaniments.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 25, 1893.*

To the Senate of the United States:

In compliance with a resolution of the Senate, the House of Representatives concurring, I return herewith the bill (S. 3811) entitled "An

act to amend an act entitled 'An act to grant to the Mobile and Dauphin Island Railroad and Harbor Company the right to trestle across the shoal water between Cedar Point and Dauphin Island,' approved September 26, 1890."

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, February 27, 1893.

To the Senate and House of Representatives:

I herewith transmit, for the information of Congress, a communication from the Acting Secretary of State, forwarding certain bulletins of the Bureau of the American Republics.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, D. C., March 1, 1893.

To the Senate and House of Representatives:

I transmit herewith the fifth special report of the Commissioner of Labor. The report relates to the so-called "Gothenburg system" of regulating the liquor traffic, the system prevailing in Norway and Sweden.

BENJ. HARRISON.

VETO MESSAGE.

EXECUTIVE MANSION, *February 27, 1893.*

To the House of Representatives:

I return herewith without my approval an act (H. R. 9612) entitled "An act to prescribe the number of district attorneys and marshals in the judicial districts of the State of Alabama."

Under the present law there is a district attorney for the southern district of Alabama, a district attorney for the northern and middle districts, a marshal for the northern district, and a marshal for the southern and middle districts.

An examination of the records of the Attorney-General's office as to the amount of business in the courts in these districts leads me to believe that two districts would provide amply for the disposition of all public and private cases. The law creates two new officers, whose aggregate compensation may be $12,000 per annum, without, it seems to me, a justifying necessity. But the most serious objection to the legislation is that it creates at once upon the taking effect of the law the offices of district attorney and marshal for each of the three districts, and the effect, it seems to me, must be to abolish the offices as they now exist.

No provision is made for a continued discharge of the duties of marshal and district attorney by the present incumbents. A serious question would be raised as to whether these officers were not at once legislated out of office and vacancies created. As these vacancies could not be filled immediately, the business of the courts would seriously suffer. The law should at least have contained a provision for the continued discharge of their duties by the incumbents until the new officers were appointed and qualified.

BENJ. HARRISON.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

> That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas it is made to appear, by petition and otherwise, that the interests of the public and the welfare of the people of the State of Colorado will be materially benefited and subserved by the reservation of the public and forest lands hereinafter described:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by said act, do hereby set apart, reserve, and establish as a public reservation all that tract of land in the State of Colorado embraced in the following boundary and description, to wit:

Beginning at the confluence of the North Fork of the South Platte River with the South Platte River; thence up the middle of the channel of the North Fork of the South Platte River to the range line between township seven (7) south, ranges seventy-four (74) and seventy-five (75) west of the sixth (6th) principal meridian; thence northerly on said range line to the northeast corner of township seven (7) south, range seventy-five (75) west; thence westerly on the township line between townships six (6) and seven (7) south to the northwest corner of township seven (7) south, range seventy-six (76) west; thence southerly on the range line between ranges seventy-six (76) and seventy-seven (77) west to the northeast corner of section thirteen (13), township seven (7) south, range

seventy-seven (77) west; thence westerly on the section line between sections twelve (12) and thirteen (13) to the northwest corner of section thirteen (13) of said township and range; thence southerly on the section line between sections thirteen (13) and fourteen (14), twenty-three (23) and twenty-four (24), and twenty-five (25) and twenty-six (26) to the northeast corner of section thirty-five (35) of said township and range; thence westerly on the section line between sections twenty-six (26) and thirty-five (35) and twenty-seven (27) and thirty-four (34) to the northwest corner of section thirty-four (34) of said township and range; thence southerly on the section line between sections thirty-three (33) and thirty-four (34) of said township and range and sections three (3) and four (4), nine (9) and ten (10), and fifteen (15) and sixteen (16), township eight (8) south, range seventy-seven (77) west, to the northeast corner of section twenty-one (21) of said last-named township and range; thence westerly on the section line between sections sixteen (16) and twenty-one (21), seventeen (17) and twenty (20), and eighteen (18) and nineteen (19) to the northwest corner of section nineteen (19) of said township and range; thence southerly on the range line between ranges seventy-seven (77) and seventy-eight (78) west to the northeast corner of section thirteen (13), township nine (9) south, range seventy-eight (78) west; thence westerly on the section line between sections twelve (12) and thirteen (13) and eleven (11) and fourteen (14) to the northwest corner of section fourteen (14) of said township and range; thence southerly on the section line between sections fourteen (14) and fifteen (15) to the southwest corner of said section fourteen (14); thence westerly on the section line between sections fifteen (15) and twenty-two (22) and sixteen (16) and twenty-one (21) to the northwest corner of section twenty-one (21) of said township and range; thence southerly on the section line between sections twenty (20) and twenty-one (21) and twenty-eight (28) and twenty-nine (29) to the southwest corner of section twenty-eight (28) of said township and range; thence easterly on the section line between sections twenty-eight (28) and thirty-three (33) to the southeast corner of said section twenty-eight (28); thence southerly on the section line between sections thirty-three (33) and thirty-four (34) of said township and range and sections three (3) and four (4), nine (9) and ten (10), and fifteen (15) and sixteen (16), township ten (10) south, range seventy-eight (78) west, to the northeast corner of section twenty-one (21) of said last-named township and range; thence westerly on the section line between sections sixteen (16) and twenty-one (21), seventeen (17) and twenty (20), and eighteen (18) and nineteen (19) to the northwest corner of section nineteen (19) of said township and range; thence southerly on the range line between ranges seventy-eight (78) and seventy-nine (79) west to the southwest corner of township ten (10) south, range seventy-eight (78) west; thence westerly on the second (2d) correction line south to the northwest corner of section one (1), township eleven (11) south, range seventy-nine (79) west;

thence southerly on the section line between sections one (1) and two (2), eleven (11) and twelve (12), thirteen (13) and fourteen (14), twenty-three (23) and twenty-four (24), twenty-five (25) and twenty-six (26), and thirty-five (35) and thirty-six (36) of said township and range and sections one (1) and two (2), eleven (11) and twelve (12), and thirteen (13) and fourteen (14), township twelve (12) south, range seventy-nine (79) west, to the southwest corner of section thirteen (13) of said last-named township and range; thence easterly on the section line between sections thirteen (13) and twenty-four (24) of said township and range and sections eighteen (18) and nineteen (19), seventeen (17) and twenty (20), sixteen (16) and twenty-one (21), and fifteen (15) and twenty-two (22), township twelve (12) south, range seventy-eight (78) west, to the quarter-section corner between said sections fifteen (15) and twenty-two (22); thence southerly through the middle of sections twenty-two (22), twenty-seven (27), and thirty-four (34) to the quarter-section corner on the south boundary of section thirty-four (34) of said township and range; thence easterly on the township line between townships twelve (12) and thirteen (13) south, range seventy-eight (78) west, to the northwest corner of township thirteen (13) south, range seventy-seven (77) west; thence southerly on the range line between ranges seventy-seven (77) and seventy-eight (78) west to the southwest corner of section six (6), township thirteen (13) south, range seventy-seven (77) west; thence easterly on the section line between sections six (6) and seven (7), five (5) and eight (8), and four (4) and nine (9) to the southeast corner of section four (4) of said township and range; thence northerly on the section line between sections three (3) and four (4) of said township and range and sections thirty-three (33) and thirty-four (34), township twelve (12) south, range seventy-seven (77) west, to the northeast corner of section thirty-three (33) of said last-named township and range; thence easterly on the section line between sections twenty-seven (27) and thirty-four (34) to the southeast corner of section twenty-seven (27) of said township and range; thence northerly on the section line between sections twenty-six (26) and twenty-seven (27), twenty-two (22) and twenty-three (23), fourteen (14) and fifteen (15), ten (10) and eleven (11), and two (2) and three (3) of said township and range and sections thirty-four (34) and thirty-five (35), township eleven (11) south, range seventy-seven (77) west, to the northeast corner of section thirty-four (34) of said township and range; thence westerly on the section line between sections twenty-seven (27) and thirty-four (34) to the northwest corner of said section thirty-four (34); thence northerly on the section line between sections twenty-seven (27) and twenty-eight (28) to the northeast corner of section twenty-eight (28) of said township and range; thence westerly on the section line between sections twenty-one (21) and twenty-eight (28), twenty (20) and twenty-nine (29), and nineteen (19) and thirty (30) to the northwest corner of section thirty (30) of said township and range;

thence northerly on the range line between ranges seventy-seven (77) and seventy-eight (78) west to the northeast corner of township eleven (11) south, range seventy-eight (78) west; thence easterly on the second (2d) correction line south to the southeast corner of township ten (10) south, range seventy-eight (78) west; thence northerly on the range line between ranges seventy-seven (77) and seventy-eight (78) west to the southwest corner of section eighteen (18), township nine (9) south, range seventy-seven (77) west; thence easterly on the section line between sections eighteen (18) and nineteen (19), seventeen (17) and twenty (20), sixteen (16) and twenty-one (21), and fifteen (15) and twenty-two (22) to the southeast corner of section fifteen (15) of said township and range; thence northerly on the section line between sections fourteen (14) and fifteen (15) and ten (10) and eleven (11) to the southwest corner of section two (2) of said township and range; thence easterly on the section line between sections two (2) and eleven (11) and one (1) and twelve (12) to the southeast corner of section one (1) of said township and range; thence northerly on the range line between ranges seventy-six (76) and seventy-seven (77) west to the southwest corner of township eight (8) south, range seventy-six (76) west; thence easterly on the township line between townships eight (8) and nine (9) south, range seventy-six (76) west, to the southeast corner of section thirty-one (31), township eight (8) south, range seventy-six (76) west; thence northerly on the section line between sections thirty-one (31) and thirty-two (32) to the southwest corner of section twenty-nine (29) of said township and range; thence easterly on the section line between sections twenty-nine (29) and thirty-two (32) to the southeast corner of said section twenty-nine (29); thence northerly on the section line between sections twenty-eight (28) and twenty-nine (29) and twenty (20) and twenty-one (21) to the southwest corner of section sixteen (16) of said township and range; thence easterly on the section line between sections sixteen (16) and twenty-one (21) to the southeast corner of said section sixteen (16); thence northerly on the section line between sections fifteen (15) and sixteen (16), nine (9) and ten (10), and three (3) and four (4) of said township and range, and sections thirty-three (33) and thirty-four (34), township seven (7) south, range seventy-six (76) west, to the southwest corner of section twenty-seven (27) of said township and range; thence easterly on the section line between sections twenty-seven (27) and thirty-four (34), twenty-six (26) and thirty-five (35), and twenty-five (25) and thirty-six (36) of said township and range, and sections thirty (30) and thirty-one (31), twenty-nine (29) and thirty-two (32), twenty-eight (28) and thirty-three (33), and twenty-seven (27) and thirty-four (34), township seven (7) south, range seventy-five (75) west, to the northwest corner of section thirty-five (35) of said township and range; thence southerly on the section line between sections thirty-four (34) and thirty-five (35) of said township and range and sections two (2) and three (3), ten (10) and eleven (11), fourteen (14) and

fifteen (15), twenty-two (22) and twenty-three (23), twenty-six (26) and twenty-seven (27), and thirty-four (34) and thirty-five (35), township eight (8) south, range seventy-five (75) west, to the southwest corner of section thirty-five (35) of said township and range; thence easterly on the township line between townships eight (8) and nine (9) south, range seventy-five (75) west, to the northwest corner of township nine (9) south, range seventy-four (74) west; thence southerly on the range line between ranges seventy-four (74) and seventy-five (75) west to the southwest corner of township ten (10) south, range seventy-four (74) west; thence easterly on the second (2d) correction line south to the northwest corner of township eleven (11) south, range seventy-three (73) west; thence southerly on the range line between ranges seventy-three (73) and seventy-four (74) west to the northeast corner of section thirteen (13), township twelve (12) south, range seventy-four (74) west; thence westerly on the section line between sections twelve (12) and thirteen (13) and eleven (11) and fourteen (14) of said township and range to the quarter-section corner between said sections eleven (11) and fourteen (14); thence southerly through the middle of sections fourteen (14), twenty-three (23), and twenty-six (26) to the center of section twenty-six (26) of said township and range; thence easterly through the middle of sections twenty-six (26) and twenty-five (25) to the quarter-section corner on the range line between section twenty-five (25), township twelve (12) south, range seventy-four (74) west, and section thirty (30), township twelve (12) south, range seventy-three (73) west; thence southerly on said range line to the southwest corner of township twelve (12) south, range seventy-three (73) west; thence easterly on the township line between townships twelve (12) and thirteen (13) south to the southeast corner of township twelve (12) south, range seventy-three (73) west; thence southerly on the range line between ranges seventy-two (72) and seventy-three (73) west to the northeast corner of section twenty-four (24), township thirteen (13) south, range seventy-three (73) west; thence westerly on the section line between sections thirteen (13) and twenty-four (24), fourteen (14) and twenty-three (23), fifteen (15) and twenty-two (22), sixteen (16) and twenty-one (21), seventeen (17) and twenty (20), and eighteen (18) and nineteen (19) to the northwest corner of section nineteen (19) of said township and range; thence southerly on the range line between ranges seventy-three (73) and seventy-four (74) west to the quarter-section corner on the west boundary of section eighteen (18), township fourteen (14) south, range seventy-three (73) west; thence easterly through the middle of sections eighteen (18) and seventeen (17), sixteen (16), fifteen (15), fourteen (14), and thirteen (13), township fourteen (14) south, range seventy-three (73) west, and sections eighteen (18) and seventeen (17), township fourteen (14) south, range seventy-two (72) west, to the quarter-section corner between sections seventeen (17) and sixteen (16) of said last-named township and range; thence northerly on the section line

between sections sixteen (16) and seventeen (17) and eight (8) and nine (9) to the northeast corner of section eight (8) of said township and range; thence easterly on the section line between sections four (4) and nine (9), three (3) and ten (10), two (2) and eleven (11), and one (1) and twelve (12) to the southeast corner of section one (1) of said township and range; thence northerly on the range line between ranges seventy-one (71) and seventy-two (72) west to the southwest corner of township thirteen (13) south, range seventy-one (71) west; thence easterly on the township line between townships thirteen (13) and fourteen (14) south to the southeast corner of section thirty-three (33), township thirteen (13) south, range seventy-one (71) west; thence northerly on the section line between sections thirty-three (33) and thirty-four (34), twenty-seven (27) and twenty-eight (28), twenty-one (21) and twenty-two (22), fifteen (15) and sixteen (16), nine (9) and ten (10), and three (3) and four (4) of said township and range, and between sections thirty-three (33) and thirty-four (34), twenty-seven (27) and twenty-eight (28), twenty-one (21) and twenty-two (22), fifteen (15) and sixteen (16), nine (9) and ten (10), and three (3) and four (4), township twelve (12) south, range seventy-one (71) west, and between sections thirty-three (33) and thirty-four (34), twenty-seven (27) and twenty-eight (28), twenty-one (21) and twenty-two (22), fifteen (15) and sixteen (16), nine (9) and ten (10), and three (3) and four (4), township eleven (11) south, range seventy-one (71) west, to the northeast corner of section four (4) of said last-named township and range; thence easterly on the second (2d) correction line south to the southeast corner of section thirty-three (33), township ten (10) south, range seventy-one (71) west; thence northerly on the section line between sections thirty-three (33) and thirty-four (34) of said township and range to the middle of the channel of the South Platte River; thence down the middle of the channel of the said river to its confluence with the North Fork of the South Platte River, the place of beginning, to be known as the South Platte Forest Reserve.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing of record has not expired, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 9th day of December, A. D. 1892, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the public lands in the State of California within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of California and particularly described as follows, to wit:

Beginning at the northeast corner of township three (3) north, range six (6) west of the San Bernardino meridian; thence westerly on the surveyed and unsurveyed township line between townships three (3) and four (4) north, ranges six (6) and seven (7) west, to the northeast corner of township three (3) north, range eight (8) west; thence northerly on the unsurveyed and surveyed range line between ranges seven (7) and (8) west to the northeast corner of section twenty-four (24), township four (4) north, range eight (8) west; thence westerly on the surveyed and unsurveyed section line between sections thirteen (13) and twenty-four (24), fourteen (14) and twenty-three (23), fifteen (15) and twenty-two (22), sixteen (16) and twenty-one (21), seventeen (17) and twenty (20), and eighteen (18) and nineteen (19) of said township and range to the point for the northwest corner of section nineteen (19) of said township and range; thence northerly on the unsurveyed and surveyed range line

between ranges eight (8) and nine (9) west to the northeast corner of township four (4) north, range nine (9) west; thence westerly on the township line between townships four (4) and five (5) north, range nine (9) west, to the southeast corner of township five (5) north, range ten (10) west; thence northerly on the range line between ranges nine (9) and ten (10) west to the northeast corner of section thirty-six (36) of said township and range; thence westerly on the section line between sections twenty-five (25) and thirty-six (36), twenty-six (26) and thirty-five (35), and twenty-seven (27) and thirty-four (34) to the southeast corner of section twenty-eight (28) of said township and range; thence northerly on the section line between sections twenty-seven (27) and twenty-eight (28) to the northeast corner of said section twenty-eight (28); thence westerly on the section line between sections twenty-one (21) and twenty-eight (28), twenty (20) and twenty-nine (29), and nineteen (19) and thirty (30) of said last-named township and range, and on the unsurveyed section line between sections twenty-four (24) and twenty-five (25), twenty-three (23) and twenty-six (26), twenty-two (22) and twenty-seven (27), twenty-one (21) and twenty-eight (28), twenty (20) and twenty-nine (29), and nineteen (19) and thirty (30), township five (5) north, range eleven (11) west, to the point for the northwest corner of section thirty (30) of said last-named township and range; thence southerly on the range line between ranges eleven (11) and twelve (12) west to the southeast corner of township five (5) north, range twelve (12) west; thence westerly on the township line between townships four (4) and five (5) north to the southwest corner of township five (5) north, range twelve (12) west; thence southerly on the range line between ranges twelve (12) and thirteen (13) west to the northeast corner of section twenty-four (24), township four (4) north, range thirteen (13) west; thence westerly on the section line between sections thirteen (13) and twenty-four (24), fourteen (14) and twenty-three (23), fifteen (15) and twenty-two (22), sixteen (16) and twenty-one (21), seventeen (17) and twenty (20), and eighteen (18) and nineteen (19) of said township and range, and sections thirteen (13) and twenty-four (24), fourteen (14) and twenty-three (23), fifteen (15) and twenty-two (22), sixteen (16) and twenty-one (21), seventeen (17) and twenty (20), and eighteen (18) and nineteen (19), township four (4) north, range fourteen (14) west, to the northwest corner of section nineteen (19) of said last-named township and range; thence southerly on the surveyed and unsurveyed range line between ranges fourteen (14) and fifteen (15) west to the point for the southwest corner of township three (3) north, range fourteen (14) west; thence easterly on the unsurveyed township line between townships two (2) and three (3) north, range fourteen (14) west, to a point for the northwest corner of section four (4), township two (2) north, range fourteen (14) west; thence southerly on the unsurveyed section line between sections four (4) and five (5) to the point for the southwest corner of said section four (4); thence easterly on the unsurveyed

section line between sections four (4) and nine (9), three (3) and ten (10), two (2) and eleven (11), and one (1) and twelve (12) to a point for the southeast corner of section one (1) of said township and range; thence southerly on the range line between ranges thirteen (13) and fourteen (14) west to the southwest corner of section seven (7), township two (2) north, range thirteen (13) west; thence easterly on the surveyed and unsurveyed section line between sections seven (7) and eighteen (18), eight (8) and seventeen (17), nine (9) and sixteen (16), ten (10) and fifteen (15), eleven (11) and fourteen (14), and twelve (12) and (13) to a point for the northeast corner of section thirteen (13) of said township and range; thence southerly on the range line between ranges twelve (12) and thirteen (13) west to the southwest corner of township two (2) north, range twelve (12) west; thence easterly on the surveyed and unsurveyed township line between townships one (1) and two (2) north, range twelve (12) west, to the point for the northwest corner of section one (1), township one (1) north, range twelve (12) west; thence southerly on the unsurveyed section line between sections one (1) and two (2) to the point for the southwest corner of said section one (1); thence easterly on the unsurveyed section line between sections one (1) and twelve (12) to the point for the southeast corner of said section one (1); thence southerly on the range line between ranges eleven (11) and twelve (12) west to the southwest corner of section seven (7), township one (1) north, range eleven (11) west; thence easterly on the section line between sections seven (7) and eighteen (18), eight (8) and seventeen (17), nine (9) and sixteen (16), ten (10) and fifteen (15), eleven (11) and fourteen (14), and twelve (12) and thirteen (13) of said township and range, and sections seven (7) and eighteen (18), eight (8) and seventeen (17), nine (9) and sixteen (16), ten (10) and fifteen (15), eleven (11) and fourteen (14), and twelve (12) and thirteen (13), township one (1) north, range ten (10) west, to the southeast corner of section twelve (12) of said last-named township and range; thence southerly on the range line between ranges nine (9) and ten (10) west to the southwest corner of section eighteen (18), township one (1) north, range nine (9) west; thence easterly on the section line between sections eighteen (18) and nineteen (19), seventeen (17) and twenty (20), sixteen (16) and twenty-one (21), fifteen (15) and twenty-two (22), fourteen (14) and twenty-three (23), and thirteen (13) and twenty-four (24) of said township and range, and sections eighteen (18) and nineteen (19), seventeen (17) and twenty (20), sixteen (16) and twenty-one (21), fifteen (15) and twenty-two (22), fourteen (14) and twenty-three (23), and thirteen (13) and twenty-four (24), township one (1) north, range eight (8) west, to the southeast corner of section thirteen (13) of said last-named township and range; thence northerly on the range line between ranges seven (7) and eight (8) west to the southwest corner of section seven (7), township one (1) north, range seven (7) west; thence easterly on the section line between sections seven (7) and eighteen

(18), eight (8) and seventeen (17), nine (9) and sixteen (16), ten (10) and fifteen (15), eleven (11) and fourteen (14), and twelve (12) and thirteen (13) of said township and range, and on the surveyed and unsurveyed section line between sections seven (7) and eighteen (18), eight (8) and seventeen (17), nine (9) and sixteen (16), ten (10) and fifteen (15), eleven (11) and fourteen (14), and twelve (12) and thirteen (13), township one (1) north, range six (6) west, to the point for the southeast corner of section twelve (12) of said last-named township and range; thence northerly on the unsurveyed and surveyed range line between ranges five (5) and six (6) west to the northeast corner of township three (3) north, range six (6) west, the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing of record has not expired, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 20th day of December, A. D. 1892, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas it is provided by section 14 of said above-mentioned act that the public lands in the Territory of Alaska reserved for public purposes shall not be subject to occupation and sale; and

Whereas the public lands in the Territory of Alaska known as Afognak Island are in part covered with timber and are required for public purposes in order that salmon fisheries in the waters of the island, and salmon and other fish and sea animals, and other animals and birds, and the timber, undergrowth, grass, moss, and other growth in, on, and about said island may be protected and preserved unimpaired, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation; and

Whereas the United States Commissioner of Fish and Fisheries has selected Afognak Bay, River, and Lake, with their tributary streams and the sources thereof, and the lands including the same on said Afognak Island and within 1 mile from the shores thereof, as a reserve for the purpose of establishing fish-culture stations and the use of the United States Commission of Fish and Fisheries, the boundary lines of which include the headsprings of the tributaries above mentioned and the lands the drainage of which is into the same:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by sections 24 and 14 of the aforesaid act of Congress and by other laws of the United States, do reserve and do hereby make known and proclaim that there is hereby reserved from occupation and sale and set apart as a public reservation, including use for fish-culture stations, said Afognak Island, Alaska, and its adjacent bays and rocks and territorial waters, including among others the Sea Lion Rocks and Sea Otter Island: *Provided*, That this proclamation shall not be so construed as to deprive any *bona fide* inhabitant of said island of any valid right he may possess under the treaty for the cession of the Russian possessions in North America to the United States, concluded at Washington on the 30th day of March, 1867.

Warning is hereby expressly given to all persons not to enter upon or to occupy the tract or tracts of land or waters reserved by this proclamation, or to fish in or use any of the waters herein described or mentioned, and that all persons or corporations now occupying said island or any of said premises except under said treaty shall depart therefrom.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.]

Done at the city of Washington, this 24th day of December, A. D. 1892, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER,

Secretary of State.

By the President of the United States of America.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the public lands in the State of Colorado within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of Colorado and particularly described as follows, to wit:

Beginning at the northeast corner of township seven (7) south, range ninety-three (93) west of the sixth (6th) principal meridian; thence westerly along the township line between townships six (6) and seven (7) south to the northwest corner of township seven (7) south, range ninety-three (93) west; thence southerly along the range line between ranges ninety-three (93) and ninety-four (94) west to the northwest corner of section nineteen (19), township seven (7) south, range ninety-three (93) west; thence westerly along the unsurveyed section line between sections thirteen (13) and twenty-four (24), fourteen (14) and twenty-three (23), fifteen (15) and twenty-two (22), sixteen (16) and twenty-one (21), seventeen (17) and twenty (20), and eighteen (18) and nineteen (19), township seven (7) south, range ninety-four (94) west, to the northwest corner of section nineteen (19) of said township and range; thence southerly along the range line between ranges ninety-four (94) and ninety-five (95) west to the northwest corner of township eight (8) south, range ninety-four (94) west; thence westerly along the township line between townships seven (7) and eight (8) south to the northwest corner of section three (3), township eight (8) south, range ninety-five (95) west; thence southerly along the section line between sections three (3) and four (4), nine (9) and ten (10), and fifteen (15) and sixteen (16) to the northwest corner of section twenty-two (22) of said township and range; thence westerly along the section line between sections sixteen (16) and twenty-one (21), seventeen (17) and twenty (20), and eighteen (18) and nineteen

(19) of said township and range, and sections thirteen (13) and twenty-four (24), fourteen (14) and twenty-three (23), and fifteen (15) and twenty-two (22), township eight (8) south, range ninety-six (96) west, to the northwest corner of section twenty-two (22) of said township and range; thence southerly along the section line between sections twenty-one (21) and twenty-two (22), twenty-seven (27) and twenty-eight (28), and thirty-three (33) and thirty-four (34) of said township and range to the northwest corner of section three (3), township nine (9) south, range ninety-six (96) west; thence westerly along the township line between townships eight (8) and nine (9) south to the northwest corner of section three (3), township nine (9) south, range ninety-seven (97) west; thence southerly along the section line between sections three (3) and four (4), nine (9) and ten (10), fifteen (15) and sixteen (16), twenty-one (21) and twenty-two (22), twenty-seven (27) and twenty-eight (28), and thirty-three (33) and thirty-four (34) to the southwest corner of section thirty-four (34) of said township and range; thence easterly along the township line between townships nine (9) and ten (10) south to the southeast corner of township nine (9) south, range ninety-six (96) west; thence northerly along the range line between ranges ninety-five (95) and ninety-six (96) west to the southeast corner of section thirteen (13), township nine (9) south, range ninety-six (96) west; thence easterly along the section line between sections eighteen (18) and nineteen (19), seventeen (17) and twenty (20), sixteen (16) and twenty-one (21), fifteen (15) and twenty-two (22), fourteen (14) and twenty-three (23), and thirteen (13) and twenty-four (24), township nine (9) south, range ninety-five (95) west, to the southeast corner of section thirteen (13) of said township and range; thence northerly along the range line between ranges ninety-four (94) and ninety-five (95) west to the southeast corner of township eight (8) south, range ninety-five (95) west; thence easterly along the township line between townships eight (8) and nine (9) south to the southwest corner of township eight (8) south, range ninety-two (92) west; thence southerly along the range line between ranges ninety-two (92) and ninety-three (93) west to the southwest corner of township ten (10) south, range ninety-two (92) west; thence westerly along the second (2d) correction line south between townships ten (10) and eleven (11) south to the northwest corner of township eleven (11) south, range ninety-six (96) west; thence southerly along the range line between ranges ninety-six (96) and ninety-seven (97) west to the northwest corner of township twelve (12) south, range ninety-six (96) west; thence westerly along the township line between townships eleven (11) and twelve (12) south to the northwest corner of fractional section two (2), fractional township twelve (12) south, fractional range ninety-eight (98) west; thence southerly along the range line between fractional range ninety-eight (98) west of the sixth (6th) principal meridian and range two (2) east of the Ute principal meridian to the southwest corner of fractional section thirty-five

(35), fractional township thirteen (13) south, fractional range ninety-eight (98) west of the sixth (6th) principal meridian; thence easterly along the township line between township thirteen (13) and fractional township fourteen (14) south to the southwest corner of township thirteen (13) south, range ninety-six (96) west; thence southerly along the range line between ranges ninety-six (96) and ninety-seven (97) west to the southwest corner of township fourteen (14) south, range ninety-six (96) west; thence easterly along the township line between townships fourteen (14) and fifteen (15) south to the southeast corner of section thirty-three (33), township fourteen (14) south, range ninety-five (95) west; thence northerly along the section line between sections thirty-three (33) and thirty-four (34), twenty-seven (27) and twenty-eight (28), twenty-one (21) and twenty-two (22), fifteen (15) and sixteen (16), nine (9) and ten (10), and three (3) and four (4), townships fourteen (14) and thirteen (13) south, range ninety-five (95) west, and sections thirty-three (33) and thirty-four (34), twenty-seven (27) and twenty-eight (28), and twenty-one (21) and twenty-two (22), township twelve (12) south, range ninety-five (95) west, to the southeast corner of section sixteen (16) of said township and range; thence easterly along the section line between sections fifteen (15) and twenty-two (22), fourteen (14) and twenty-three (23), and thirteen (13) and twenty-four (24), township twelve (12) south, range ninety-five (95) west, and sections eighteen (18) and nineteen (19), seventeen (17) and twenty (20), sixteen (16) and twenty-one (21), fifteen (15) and twenty-two (22), fourteen (14) and twenty-three (23), and thirteen (13) and twenty-four (24), township twelve (12) south, range (94) west, to the southwest corner of section eighteen (18), township twelve (12) south, range ninety-three (93) west; thence southerly along the range line between ranges ninety-three (93) and ninety-four (94) west to the southwest corner of township twelve (12) south, range ninety-three (93) west; thence easterly along the township line between townships twelve (12) and thirteen (13) south to the southeast corner of township twelve (12) south, range ninety-two (92) west; thence northerly along the range line between ranges ninety-one (91) and ninety-two (92) west to the southeast corner of township eleven (11) south, range ninety-two (92) west; thence easterly along the township line between townships eleven (11) and twelve (12) south to the southwest corner of township eleven (11) south, range ninety (90) west; thence southerly along the range line between ranges ninety (90) and ninety-one (91) west to the southwest corner of township twelve (12) south, range ninety (90) west; thence easterly along the township line between townships twelve (12) and thirteen (13) south to the southeast corner of township twelve (12) south, range eighty-nine (89) west; thence northerly along the surveyed and unsurveyed range line between ranges eighty-eight (88) and eighty-nine (89) west to the northeast corner of township eleven (11) south, range eighty-nine (89) west; thence easterly along the second (2d) cor-

rection line south to the southeast corner of township ten (10) south, range eighty-nine (89) west; thence northerly along the range line between ranges eighty-eight (88) and eighty-nine (89) west to the northeast corner of township nine (9) south, range eighty-nine (89) west; thence westerly along the township line between townships eight (8) and nine (9) south to the northeast corner of township nine (9) south, range ninety (90) west; thence northerly along the range line between ranges eighty-nine (89) and ninety (90) west to the northeast corner of township eight (8) south, range ninety (90) west; thence westerly along the surveyed and unsurveyed township line between townships seven (7) and eight (8) south to the northeast corner of township eight (8) south, range ninety-three (93) west; thence northerly along the range line between ranges ninety-two (92) and ninety-three (93) west to the northeast corner of township seven (7) south, range ninety-three (93) west, the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing of record has not expired, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 24th day of December, A. D. 1892, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to section 3 of the act of Congress approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," the Secretary of State of the United States of America communicated to the Government of Salvador the action

of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3 to be exempt from duty upon their importation into the United States of America; and

Whereas the minister for foreign affairs for the Republic of Salvador has communicated to the envoy extraordinary and minister plenipotentiary of the United States to Salvador that the Congress of Salvador has by due legal enactment authorized the executive power to conclude a definitive commercial arrangement with the United States to supersede the existing provisional arrangement; and

Whereas, in reciprocity for the admission into the United States of America free of all duty of the articles enumerated in section 3 of said act, the Government of Salvador will admit free of all duty from and after December 31, 1892, into all the established ports of entry of Salvador the articles or merchandise named in the following schedule, provided that the same is the manufacture or product of the United States:

PRODUCTS AND MANUFACTURES OF THE UNITED STATES TO BE ADMITTED INTO SALVADOR FREE OF CUSTOMS DUTIES AND OF ALL CHARGES, WHETHER NATIONAL OR PROVINCIAL.

1. Cotton-seed oil.
2. Live animals.
3. Tar, vegetable and mineral.
4. Wire, barbed, and staples for fences.
5. Apparatus for distilling liquors.
6. Plows, cultivators, hoes, axes, machetes, shovels, and rakes.
7. Quicksilver.
8. Barrels, casks, and tanks of iron for water.
9. Mineral ores.
10. Boats, lighters, tackle, anchors, chains, girtlines, sails, and all other articles for vessels, to be used in the ports, lakes, and rivers of the Republic.
11. Coal, mineral.
12. Roman cement and hydraulic lime.
13. Kettles for making salt.
14. Wooden staves, barrel heads and hoops.
15. Houses of wood and iron, complete and in parts.
16. Beans, potatoes, and onions.
17. Fruits, fresh.
18. Guano and other fertilizers, natural and artificial.
19. Guys for mining purposes.
20. Hay and straw for forage.
21. Furnaces and instruments for assaying metals.
22. Scientific instruments.
23. Loadstones.
24. Bricks, fire bricks, and crucibles for melting.
25. Hops.
26. Printed books, pamphlets and newspapers, bound or unbound, maps, photographs, printed music, and paper for music.
27. Corn, rice, barley, and rye.
28. Marble, dressed, for furniture, statues, fountains, gravestones, and building purposes.

29. Machinery of all kinds, including sewing machines, and separate or extra parts for the same.

30. Materials of all kinds for the construction and operation of railroads.

31. Materials of all kinds for the construction and operation of telegraphic and telephonic lines.

32. Materials of all kinds for lighting by electricity and gas.

33. Materials of all kinds for the construction of wharves in ports, lakes, or rivers.

34. Wood of all kinds for building, in trunks or pieces, beams, rafters, planks, boards, shingles, and flooring.

35. Molds for making sugar.

36. Models of machinery and buildings.

37. Printing materials, including presses, ink, and all other accessories.

38. Samples of merchandise the duties on which do not exceed $1.

39. Gold and silver in bars, dust, or coin.

40. Preparations of flour in biscuits, crackers, not sweetened, macaroni, vermicelli, and tallarin.

41. Plates of iron for building purposes.

42. Kettles for making sugar.

43. Sulphate of quinine.

44. Tubes of iron and all other accessories for water supply.

45. Wagons, carts, and carriages of all kinds, and separate parts for the same.

It is understood that the packages or coverings in which the articles named in the foregoing schedule are imported shall be free of duty if they are usual and proper for the purpose.

And whereas the Government of Salvador has further stipulated that the laws and regulations adopted to protect its revenue and prevent fraud in the declarations and proof that the articles named in the foregoing schedule are the product or manufacture of the United States of America shall impose no additional charges on the importer nor undue restrictions on the articles imported; and

Whereas the envoy extraordinary and minister plenipotentiary of the United States to Salvador has informed the Government of Salvador that its action in granting freedom of duties to the products and manufactures of the United States of America on their importation into Salvador is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above-stated modifications of the tariff laws of Salvador to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 27th day of December, A. D. 1892, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER,

Secretary of State.

By the President of the United States of America.

A PROCLAMATION.

Whereas Congress by a statute approved March 22, 1882, and by statutes in furtherance and amendment thereof defined the crimes of bigamy, polygamy, and unlawful cohabitation in the Territories and other places within the exclusive jurisdiction of the United States and prescribed a penalty for such crimes; and

Whereas on or about the 6th day of October, 1890, the Church of the Latter-day Saints, commonly known as the Mormon Church, through its president issued a manifesto proclaiming the purpose of said church no longer to sanction the practice of polygamous marriages and calling upon all members and adherents of said church to obey the laws of the United States in reference to said subject-matter; and

Whereas it is represented that since the date of said declaration the members and adherents of said church have generally obeyed said laws and have abstained from plural marriages and polygamous cohabitation; and

Whereas by a petition dated December 19, 1891, the officials of said church, pledging the membership thereof to a faithful obedience to the laws against plural marriage and unlawful cohabitation, have applied to me to grant amnesty for past offenses against said laws, which request a very large number of influential non-Mormons residing in the Territories have also strongly urged; and

Whereas the Utah Commission in their report bearing date September 15, 1892, recommend that said petition be granted and said amnesty proclaimed, under proper conditions as to the future observance of the law, with a view to the encouragement of those now disposed to become law-abiding citizens; and

Whereas during the past two years such amnesty has been granted to individual applicants in a very large number of cases, conditioned upon the faithful observance of the laws of the United States against unlawful cohabitation, and there are now pending many more such applications:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the powers in me vested, do hereby declare and grant a full amnesty and pardon to all persons liable to the penalties of said act by reason of unlawful cohabitation under the color of polygamous or plural marriage who have since November 1, 1890, abstained from such unlawful cohabitation, but upon the express condition that they shall in the future faithfully obey the laws of the United States hereinbefore named, and not otherwise. Those who shall fail to avail themselves of the clemency hereby offered will be vigorously prosecuted.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 4th day of January, A. D. 1893, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the public lands in the State of California within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of California and within the boundaries particularly described as follows, to wit:

Beginning at the northeast corner of township five (5) south, range thirty (30) east, on the first (1st) standard parallel south, Mount Diablo meridian, California; thence westerly along said first (1st) standard parallel to the northwest corner of township five (5) south, range twenty-one (21) east; thence southerly on the range line between ranges twenty (20) and twenty-one (21) east to the southwest corner of township six (6) south, range twenty-one (21) east; thence easterly on the township line between townships six (6) and seven (7) south to the southeast corner of township six (6) south, range twenty-one (21) east; thence southerly on the range line between ranges twenty-one (21) and twenty-two (22) east to the southwest corner of township seven (7) south, range twenty-two (22) east; thence easterly along the township line between townships seven (7) and eight (8) south to the southeast corner of township seven (7) south, range twenty-two (22) east; thence southerly along the

range line between ranges twenty-two (22) and twenty-three (23) east to the southwest corner of township eight (8) south, range twenty-three (23) east; thence easterly along the second (2d) standard parallel south to the northeast corner of township nine (9) south, range twenty-three (23) east; thence southerly along the unsurveyed and surveyed range line between ranges twenty-three (23) and twenty-four (24) east to the southwest corner of township nine (9) south, range twenty-four (24) east; thence easterly along the township line between townships nine (9) and ten (10) south to the southeast corner of township nine (9) south, range twenty-four (24) east; thence southerly along the range line between ranges twenty-four (24) and twenty-five (25) east to the southwest corner of township ten (10) south, range twenty-five (25) east; thence easterly along the township line between townships ten (10) and eleven (11) south to the southeast corner of township ten (10) south, range twenty-five (25) east; thence southerly along the unsurveyed and surveyed range line between ranges twenty-five (25) and twenty-six (26) east to the southwest corner of township twelve (12) south, range twenty-six (26) east; thence easterly along the third (3d) standard parallel south to the northwest corner of township thirteen (13) south, range twenty-seven (27) east; thence southerly along the range line between ranges twenty-six (26) and twenty-seven (27) east to the southwest corner of township thirteen (13) south, range twenty-seven (27) east; thence easterly along the township line between townships thirteen (13) and fourteen (14) south to the southeast corner of township thirteen (13) south, range twenty-seven (27) east; thence northerly along the boundary line of "General Grant National Park" to the northwest corner, easterly to the northeast corner, southerly to the southeast corner, and westerly to the southwest corner of said park; thence southerly along the range line between ranges twenty-seven (27) and twenty-eight (28) east to the southwest corner of township fourteen (14) south, range twenty-eight (28) east; thence easterly along the township line between townships fourteen (14) and fifteen (15) south to the southwest corner of township fourteen (14) south, range thirty-one (31) east; thence southerly along the range line between ranges thirty (30) and thirty-one (31) east to the fourth (4th) standard parallel south; thence westerly along said fourth (4th) standard parallel to the northwest corner of township seventeen (17) south, range thirty-one (31) east; thence southerly along the range line between ranges thirty (30) and thirty-one (31) east to the southwest corner of township seventeen (17) south, range thirty-one (31) east; thence easterly along the township line between townships seventeen (17) and eighteen (18) south to the southeast corner of township seventeen (17) south, range thirty-one (31) east; thence southerly along the range line between ranges thirty-one (31) and thirty-two (32) east to the southwest corner of township eighteen (18) south, range thirty-two (32) east; thence westerly along the township line between townships

eighteen (18) and nineteen (19) south to the northwest corner of township nineteen (19) south, range thirty (30) east; thence southerly along the range line between ranges twenty-nine (29) and thirty (30) east to the fifth (5th) standard parallel south; thence westerly along said fifth (5th) standard parallel to the northwest corner of township twenty-one (21) south, range thirty (30) east; thence southerly along the range line between ranges twenty-nine (29) and thirty (30) east to a point on said range line where it intersects the northern boundary line of the "Tule River Indian Reservation;" thence easterly and northeasterly along the northern boundary line of said reservation to the northeast corner thereof, located in the southwest quarter of section twenty-one (21), township twenty-one (21) south, range thirty-one (31) east; thence southerly along the eastern boundary of said reservation to the southeast corner thereof, located in the northwest quarter of section thirty-three (33), township twenty-two (22) south, range thirty-one (31) east; thence westerly and southwesterly along the southern boundary of said reservation to a point where it is intersected by the range line between ranges twenty-nine (29) and thirty (30) east; thence southerly along said range line to the southwest corner of township twenty-three (23) south, range thirty (30) east; thence easterly along the township line between townships twenty-three (23) and twenty-four (24) south to the southeast corner of township twenty-three (23) south, range thirty (30) east; thence southerly along the range line between ranges thirty (30) and thirty-one (31) east to the sixth (6th) standard parallel south; thence westerly along said sixth (6th) standard parallel to the northwest corner of township twenty-five (25) south, range thirty-one (31) east; thence southerly along the range line between ranges thirty (30) and thirty-one (31) east to the southwest corner of township twenty-six (26) south, range thirty-one (31) east; thence westerly along the township line between townships twenty-six (26) and twenty-seven (27) south to the northwest corner of township twenty-seven (27) south, range thirty (30) east; thence southerly along the range line between ranges twenty-nine (29) and thirty (30) east to the seventh (7th) standard parallel south; thence easterly along said seventh (7th) standard parallel to the southeast corner of township twenty-eight (28) south, range thirty-seven (37) east; thence northerly along the range line between ranges thirty-seven (37) and thirty-eight (38) east to the sixth (6th) standard parallel south; thence easterly along said sixth (6th) standard parallel to the southeast corner of township twenty-four (24) south, range thirty-seven (37) east; thence northerly along the range line between ranges thirty-seven (37) and thirty-eight (38) east to the northeast corner of township twenty-four (24) south, range thirty-seven (37) east; thence easterly along the township line between townships twenty-three (23) and twenty-four (24) south to the southeast corner of township twenty-three (23) south, range thirty-seven (37) east; thence northerly along the range line between

ranges thirty-seven (37) and thirty-eight (38) east to the fifth (5th) standard parallel south; thence westerly along said fifth (5th) standard parallel south to the southeast corner of section thirty-one (31), township twenty (20) south, range thirty-seven (37) east; thence northerly along the western boundary line of sections thirty-two (32), twenty-nine (29), twenty (20), seventeen (17), eight (8), and five (5) to the northwest corner of section five (5) in said township and range; thence westerly along the township line between townships nineteen (19) and twenty (20) south to the southeast corner of township nineteen (19) south, range thirty-six (36) east; thence northerly along the range line between ranges thirty-six (36) and thirty-seven (37) east to the quarter-section corner on the east line of section thirty-six (36), township nineteen (19) south, range thirty-six (36) east, westerly on a line through the centers of sections thirty-six (36) and thirty-five (35) to the center of section thirty-five (35), northerly on a line through the centers of sections thirty-five (35), twenty-six (26), twenty-three (23), and fourteen (14) to the center of section fourteen (14), easterly on a line through the center of section fourteen (14) to the quarter-section corner between said section fourteen (14) and section thirteen (13), and northerly along the section lines on the west boundary of sections thirteen (13), twelve (12), and one (1) to the northwest corner of section one (1), all of said township and range; thence northerly along the section lines on the west boundary of sections thirty-six (36) and twenty-five (25), township eighteen (18) south, range thirty-six (36) east, to the northwest corner of said section twenty-five (25), easterly along the section line between sections twenty-four (24) and twenty-five (25) to the quarter-section corner between said sections, northerly through the centers of sections twenty-four (24) and thirteen (13) to the quarter-section corner between sections thirteen (13) and twelve (12), westerly along the section line to the southwest corner of section twelve (12), and northerly along the section lines on the west boundary of sections twelve (12) and one (1) to the northwest corner of section one (1) of said township and range; thence northerly along the section line on the west boundary of section thirty-six (36), township seventeen (17) south, range thirty-six (36) east, to the quarter-section corner between sections thirty-five (35) and thirty-six (36), westerly to the center of section thirty-five (35), northerly on a line through the centers of sections thirty-five (35), twenty-six (26), twenty-three (23), fourteen (14), and eleven (11) to the quarter-section corner between sections eleven (11) and two (2), westerly along the section line to the southwest corner of section two (2), and northerly along the section line to the northwest corner of section two (2), all of said township and range; thence westerly along the surveyed and unsurveyed line of the fourth (4th) standard parallel south to the southwest corner of township sixteen (16) south, range thirty-four (34) east; thence northerly along the range line between ranges thirty-three (33) and thirty-four

(34) east to the northwest corner of township fifteen (15) south, range thirty-four (34) east; thence easterly along the township line between townships fourteen (14) and fifteen (15) south to the southwest corner of township fourteen (14) south, range thirty-five (35) east; thence northerly on the range line between ranges thirty-four (34) and thirty-five (35) east to the northwest corner of township fourteen (14) south, range thirty-five (35) east; thence westerly along the township line between townships thirteen (13) and fourteen (14) south to the southwest corner of section thirty-five (35), township thirteen (13) south, range thirty-four (34) east, northerly along the section line to the quarter-section corner between sections thirty-four (34) and thirty-five (35), westerly to the center of section thirty-four (34), northerly on a line through the centers of sections thirty-four (34) and twenty-seven (27) to the center of section twenty-seven (27), easterly through section twenty-seven (27) to the quarter-section corner between sections twenty-seven (27) and twenty-six (26), northerly along the section lines on the west boundary of sections twenty-six (26), twenty-three (23), fourteen (14), eleven (11), and two (2) to the northwest corner of west lot one (1) in section two (2), easterly to the southwest corner of the east lot two (2) in section two (2), and northerly to the northwest corner of the west half of east lot six (6), section two (2), all of said township and range; thence westerly along the third (3d) standard parallel south to the southwest corner of section thirty-four (34), township twelve (12) south, range thirty-four (34) east, northerly along the section line to the quarter-section corner between sections thirty-four (34) and thirty-three (33), westerly to the center of section thirty-three (33), northerly to the quarter-section corner between sections thirty-three (33) and twenty-eight (28), westerly on the section line to the southwest corner of section twenty-eight (28), northerly along the section lines on the west boundary of sections twenty-eight (28), twenty-one (21), sixteen (16), nine (9), and four (4) to the quarter-section corner between sections four (4) and five (5), westerly to the center of section five (5), and northerly to the quarter-section corner on the north boundary of said section five (5), all of said township and range; thence westerly along the township line between townships eleven (11) and twelve (12) south to the southwest corner of section thirty-two (32), township eleven (11) south, range thirty-four (34) east, northerly along the section lines on the west boundary of sections thirty-two (32), twenty-nine (29), twenty (20), seventeen (17), and eight (8) to the quarter-section corner between sections seven (7) and eight (8), westerly on a line through the center of section seven (7), township eleven (11) south, range thirty-four (34) east, and sections twelve (12) and eleven (11), township eleven (11) south, range thirty-three (33) east, to the center of said section eleven (11), and northerly on a central line through sections eleven (11) and two (2) to the quarter-section corner on the north line of section two (2), township eleven (11) south, range thirty-three

(33) east; thence westerly on the township line between townships ten (10) and eleven (11) south to the southwest corner of section thirty-five (35), township ten (10) south, range thirty-three (33) east, northerly to the quarter-section corner between sections thirty-five (35) and thirty-four (34), westerly to the center of section thirty-four (34), northerly on a line through the centers of sections thirty-four (34), twenty-seven (27), and twenty-two (22) to the center of section twenty-two (22), easterly to the center of section twenty-three (23), northerly through the centers of sections twenty-three (23), fourteen (14), and eleven (11) to the center of section eleven (11), easterly to the quarter-section corner between sections eleven (11) and twelve (12), northerly along the section line to the northwest corner of section twelve (12), easterly along the section line to the quarter-section corner between sections twelve (12) and one (1), northerly to the center of section one (1), easterly to the quarter-section corner on the east line of section one (1), and northerly to the northeast corner of section one (1), all of said township and range; thence westerly along the unsurveyed township line between townships ten (10) and nine (9) south to the southeast corner of township nine (9) south, range thirty-two (32) east; thence northerly along the range line between ranges thirty-two (32) and thirty-three (33) east to the northeast corner of township nine (9) south, range thirty-two (32) east; thence westerly along the second (2d) standard parallel south to the southeast corner of township eight (8) south, range thirty-one (31) east; thence northerly along the surveyed and unsurveyed range line between ranges thirty-one (31) and thirty-two (32) east to the northeast corner of township eight (8) south, range thirty-one (31) east; thence westerly along the township line between townships seven (7) and eight (8) south to the southeast corner of township seven (7) south, range thirty (30) east; thence northerly along the range line between ranges thirty (30) and thirty-one (31) east to the northeast corner of township five (5) south, range thirty (30) east, the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing of record has not expired, and all mining claims duly located and held according to the laws of the United States and the rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 14th day of February, A. D. 1893, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the public lands in the State of Washington within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of Washington and within the boundaries particularly described as follows, to wit:

Beginning at the southwest corner of township thirteen (13) north, range fifteen (15) east of the Willamette base and meridian; thence northerly along the surveyed and unsurveyed range line between ranges fourteen (14) and fifteen (15) east, subject to the proper easterly or westerly offset on the fourth (4th) standard parallel north, to the point for the northeast corner of township eighteen (18) north, range fourteen (14) east; thence westerly along the unsurveyed township line between townships eighteen (18) and nineteen (19) north to the southeast corner of township nineteen (19) north, range seven (7) east; thence southerly along the unsurveyed range line between ranges seven (7) and eight (8) east, subject to the proper easterly or westerly offsets on the township line between townships seventeen (17) and eighteen (18) north, and the fourth (4th) standard parallel north to the point for the southwest corner of township thirteen (13) north, range eight (8) east; thence easterly along the unsurveyed township line between townships twelve (12) and

thirteen (13) north to the southwest corner of township thirteen (13) north, range fifteen (15) east, the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing of record has not expired, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 20th day of February, A. D. 1893, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the public lands in the Territory of Arizona within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in

the Territory of Arizona and within the boundaries particularly described as follows, to wit:

Beginning at the point of intersection of the parallel of thirty-six (36) degrees thirty (30) minutes north latitude with the meridian of one hundred and eleven (111) degrees forty-five (45) minutes of longitude west from Greenwich; thence westerly along said parallel of latitude to its intersection with the meridian of one hundred and twelve (112) degrees forty-five (45) minutes west longitude; thence southerly along said meridian of longitude to its intersection with the parallel of thirty-five (35) degrees forty-five (45) minutes north latitude; thence easterly along said parallel of latitude to its intersection with the meridian of one hundred and eleven (111) degrees forty-five (45) minutes west longitude; thence northerly along said meridian of longitude to its intersection with the parallel of thirty-six (36) degrees thirty (30) minutes north latitude, the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing of record has not expired, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 20th day of February, A. D. 1893, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by my proclamation of August 18, 1892,* and in pursuance of the authority conferred on me by an act of Congress approved July 26, 1892, entitled "An act to enforce the reciprocal commercial relations

*See pp. 5725-5727.

between the United States and Canada, and for other purposes," I directed "that from and after September 1, 1892, until further notice a toll of 20 cents per ton be levied, collected, and paid on all freight of whatever kind or description passing through the St. Marys Falls Canal in transit to any port of the Dominion of Canada, whether carried in vessels of the United States or of other nations," and to that extent thereby suspended "from and after said date the right of free passage through said St. Marys Falls Canal of any and all cargoes or portions of cargoes in transit to Canadian ports;" and

Whereas the above order was issued in consequence of the imposition by the government of the Dominion of Canada of a discriminating toll whereby unjust and unreasonable burdens were placed, in violation of Article XXVII of the treaty of Washington, upon the carrying of passengers and cargoes through the Welland Canal in transit to ports of the United States, as is fully set forth in the said proclamation; and

Whereas by an order in council dated February 13, 1893, the Governor-General of the Dominion of Canada has directed that—

For the season of 1893 the canal tolls for the passage of the following food products, wheat, Indian corn, pease, barley, rye, oats, flaxseed, and buckwheat, for passage eastward through the Welland Canal be 10 cents per ton, and for passage westward through the St. Lawrence canals only 10 cents per ton; payment of the said toll of 10 cents per ton for passage through the Welland Canal to entitle these products to free passage through the St. Lawrence canals.

And whereas I have received satisfactory assurances that this order revokes during the season of 1893 the discriminating provisions above referred to and secures to citizens of the United States equality with British subjects as regards the use of said canals:

Now, therefore, I, Benjamin Harrison, President of the United States of America, by virtue of the said act of Congress approved July 26, 1892, do hereby declare and proclaim that from and after the date hereof and until further notice the provisions of my said proclamation of August 18, 1892,* are suspended in so far as they direct that a toll of 20 cents per ton be levied, collected, and paid on all freight of whatever kind or description passing through the St. Marys Falls Canal in transit to any port of the Dominion of Canada, whether carried in vessels of the United States or of other nations.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 21st day of February, 1893, and of the Independence of the United States of America the one hundred and seventeenth.

BENJ. HARRISON

By the President:

JOHN W. FOSTER,

Secretary of State.

*See pp. 5725-5727.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the public lands in the State of California within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of California and within the boundaries particularly described as follows, to wit:

Beginning at the northeast corner of section thirteen (13), township five (5) south, range six (6) west, of the San Bernardino base and meridian; thence westerly along the surveyed and unsurveyed section line to the point for the southwest corner of section ten (10), said township and range; thence northerly along the surveyed and unsurveyed section line to the northwest corner of section three (3), said township and range; thence westerly along the surveyed and unsurveyed township line to the point for the northwest corner of section three (3), township five (5) south, range seven (7) west; thence southerly along the surveyed and unsurveyed section line to the southeast corner of section thirty-three (33), said township and range; thence easterly along the surveyed and unsurveyed township line to the northeast corner of township six (6) south, range seven (7) west; thence southerly to the southwest corner of township five (5) south, range six (6) west; thence easterly to the point for the quarter-section corner on the north line of section six (6), township six (6) south, range six (6) west; thence southerly on a central line to the center of section nineteen (19), said township and range; thence easterly to the quarter-section corner on the east boundary of said section nineteen (19); thence southerly on the section line to the point of intersection with the north boundary of the "Rancho Mission Viejo or La Paz;" thence in a southeasterly direction along said boundary line to the point of intersection with the township line between townships six (6) and seven (7) south; thence easterly

along said township line to the southeast corner of township six (6) south range six (6) west; thence northerly along the range line between ranges five (5) and six (6) west to the northeast corner of section thirteen (13), township five (5) south, range six (6) west, the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing of record has not expired, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 25th day of February, A. D. 1893, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the public lands in the State of California within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, [illegible]rison, President of the United States,

by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of California and within the boundaries particularly described as follows, to wit:

Beginning at the northwest corner of township three (3) north, range five (5) west, San Bernardino meridian, California; thence southerly along the surveyed and unsurveyed range line between ranges five (5) and six (6) west to the northwest corner of section eighteen (18), township one (1) north, range five (5) west; thence easterly along the section line between sections seven (7) and eighteen (18) to the western boundary of the "Rancho Muscupiabe;" thence easterly, following the western and northern boundary of said rancho, to the point where said boundary intersects the section line between sections nineteen (19) and thirty (30), township one (1) north, range three (3) west; thence easterly along the section lines to the northeast corner of section twenty-five (25), said township and range; thence southerly along the range line between ranges two (2) and three (3) west to the San Bernardino base line; thence easterly along said base line to the northeast corner of section four (4), township one (1) south, range two (2) west, southerly along the unsurveyed and surveyed section lines to the northeast corner of section (16), easterly along the section lines to the northeast corner of section thirteen (13), and southerly to the southeast corner of section thirteen (13), all of said township and range; thence easterly to a point for the center of township one (1) south, range one (1) west; thence southerly to a point for the southwest corner of section thirty-four (34) in said township and range; thence easterly along the surveyed and unsurveyed township line between townships one (1) and two (2) south to the San Bernardino meridian; thence southerly along said meridian to the northeast corner of township three (3) south, range one (1) west; thence easterly through the Maronge Indian Reservation to the southeast corner of township two (2) south, range three (3) east; thence northerly along the surveyed and unsurveyed range line to the northeast corner of said township; thence easterly to a point for the southeast corner of township one (1) south, range four (4) east; thence northerly along the surveyed and unsurveyed range line between ranges four (4) and five (5) east to the northeast corner of section twenty-four (24), township three (3) north, range four (4) east; thence westerly along the surveyed and unsurveyed section lines to the southwest corner of section eighteen (18), township three (3) north, range (3) east; thence northerly along the range line between ranges two (2) and three (3) east to the northeast corner of township three (3) north, range two (2) east; thence westerly along the township line between townships three (3) and four (4) north to the northwest corner of township three (3) north, range (5) west, the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing of record has not expired, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 25th day of February, A. D. 1893, and of the Independence of the United States the one hundred and seventeenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas public interests require that the Senate should be convened at 12 o'clock on the 4th day of March next to receive such communications as may be made by the Executive:

Now, therefore, I, Benjamin Harrison, President of the United States, do hereby proclaim and declare that an extraordinary occasion requires the Senate of the United States to convene at the Capitol, in the city of Washington, on the 4th day of March next, at 12 o'clock noon, of which all persons who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, this 25th day of February, A. D. 1893, and of the Independence of the United States of America the one hundred and seventeenth.

[SEAL.]

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

Acting Secretary of State.

EXECUTIVE ORDERS.

AMENDMENT OF CIVIL-SERVICE RULES.

JANUARY 5, 1893.

Section 2 of Postal Rule I is hereby amended so as to read as follows:

The classification of the postal service made by the Postmaster-General under section 6 of the act of January 16, 1883, is hereby extended to all free-delivery post-offices; and hereafter whenever any post-office becomes a free-delivery office the said classification or any then existing classification made by the Postmaster-General under said section and act shall apply thereto; and the Civil Service Commission shall provide examinations to test the fitness of persons to fill vacancies in all free-delivery post-offices, and these rules shall be in force therein; but this shall not include any post-office made an experimental free-delivery office under the authority contained in the appropriation act of March 3, 1891. Every revision of the classification of any post-office under section 6 of the act of January 16, 1883, and every inclusion of a post-office within the classified postal service shall be reported to the President.

BENJ. HARRISON.

GENERAL ORDERS, No. 4.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 19, 1893.

I. The following proclamation [order] has been received from the President:

EXECUTIVE MANSION,
Washington, D. C., January 18, 1893.

To the People of the United States:

The death of Rutherford B. Hayes, who was President of the United States from March 4, 1877, to March 4, 1881, at his home in Fremont, Ohio, at 11 p. m. yesterday, is an event the announcement of which will be received with very general and very sincere sorrow. His public service extended over many years and over a wide range of official duty. He was a patriotic citizen, a lover of the flag and of our free institutions, an industrious and conscientious civil officer, a soldier of dauntless courage, a loyal comrade and friend, a sympathetic and helpful neighbor, and the honored head of a happy Christian home. He has steadily grown in the public esteem, and the impartial historian will not fail to recognize the conscientiousness, the manliness, and the courage that so strongly characterized his whole public career.

As an expression of the public sorrow it is ordered that the Executive Mansion and the several Executive Departments at Washington be draped in mourning and the flags thereon placed at half-staff for a

period of thirty days, and that on the day of the funeral all public business in the Departments be suspended, and that suitable military and naval honors, under the orders of the Secretaries of War and of the Navy, be rendered on that day.

Done at the city of Washington, this 18th day of January, A. D. 1893, and of the Independence of the United States of America the one hundred and seventeenth.

[SEAL.]

BENJ HARRISON.

By the President

JOHN W FOSTER, *Secretary of State.*

II. In compliance with the instructions of the President, on the day of the funeral, at each military post, the troops and cadets will be paraded and this order read to them, after which all labors of the day will cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting of the sun a single gun, and at the close of the day a national salute of forty-four guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the Battalion of Engineers, of the several regiments, and of the United States Corps of Cadets will be put in mourning for a period of six months.

The date of the funeral will be communicated to department commanders by telegraph, and by them to their subordinate commanders.

By command of Major-General Schofield:

R. WILLIAMS, *Adjutant-General.*

GENERAL ORDER No. 406.

NAVY DEPARTMENT,
Washington, D. C., January 19, 1893

The President of the United States announces the death of ex-President Rutherford B. Hayes in the following proclamation [order]:

[For order see preceding page.]

It is hereby directed, in pursuance of the instructions of the President, that on the day of the funeral, where this order may be received in time, otherwise on the day after its receipt, the ensign at each naval station and of each of the vessels of the United States Navy in commission be hoisted at half-mast from sunrise to sunset, and at each naval station and on board of flagships and vessels acting singly a gun be fired at intervals of every half hour from sunrise to sunset.

The officers of the Navy and Marine Corps will wear the usual badge of mourning attached to the sword hilt and on the left arm for a period of thirty days.

JAMES R. SOLEY,
Acting Secretary of the Navy.

EXECUTIVE MANSION,
Washington, January 27, 1893.

To the People of the United States:

It is my painful duty to announce to the people of the United States the death of James Gillespie Blaine, which occurred in this city to-day at 11 o'clock.

For a full generation this eminent citizen has occupied a conspicuous and influential position in the nation. His first public service was in the legislature of his State. Afterwards for fourteen years he was a member of the national House of Representatives, and was three times chosen its Speaker. In 1876 he was elected to the Senate. He resigned his seat in that body in 1881 to accept the position of Secretary of State in the Cabinet of President Garfield. After the tragic death of his chief he resigned from the Cabinet, and, devoting himself to literary work, gave to the public in his Twenty Years of Congress a most valuable and enduring contribution to our political literature. In March, 1889, he again became Secretary of State, and continued to exercise this office until June, 1892. His devotion to the public interests, his marked ability, and his exalted patriotism have won for him the gratitude and affection of his countrymen and the admiration of the world. In the varied pursuits of legislation, diplomacy, and literature his genius has added new luster to American citizenship.

As a suitable expression of the national appreciation of his great public services and of the general sorrow caused by his death, I direct that on the day of his funeral all the Departments of the executive branch of the Government at Washington be closed, and that on all public buildings throughout the United States the national flag shall be displayed at half-staff, and that for a period of thirty days the Department of State be draped in mourning.

Done at the city of Washington, this 27th day of January, A. D. 1893, and of the Independence of the United States of America the one hundred and seventeenth.

[SEAL.]

BENJ. HARRISON.

By the President:
JOHN W. FOSTER,
Secretary of State.

Grover Cleveland

March 4, 1893, to March 4, 1897

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

Grover Cleveland

[For portrait and biographical sketch see Vol. VII, pp. 4882-4884.]

INAUGURAL ADDRESS.

My Fellow-Citizens: In obedience to the mandate of my countrymen I am about to dedicate myself to their service under the sanction of a solemn oath. Deeply moved by the expression of confidence and personal attachment which has called me to this service, I am sure my gratitude can make no better return than the pledge I now give before God and these witnesses of unreserved and complete devotion to the interests and welfare of those who have honored me.

I deem it fitting on this occasion, while indicating the opinions I hold concerning public questions of present importance, to also briefly refer to the existence of certain conditions and tendencies among our people which seem to menace the integrity and usefulness of their Government.

While every American citizen must contemplate with the utmost pride and enthusiasm the growth and expansion of our country, the sufficiency of our institutions to stand against the rudest shocks of violence, the wonderful thrift and enterprise of our people, and the demonstrated superiority of our free government, it behooves us to constantly watch for every symptom of insidious infirmity that threatens our national vigor.

The strong man who in the confidence of sturdy health courts the sternest activities of life and rejoices in the hardihood of constant labor may still have lurking near his vitals the unheeded disease that dooms him to sudden collapse.

It can not be doubted that our stupendous achievements as a people and our country's robust strength have given rise to heedlessness of those laws governing our national health which we can no more evade than human life can escape the laws of God and nature

Manifestly nothing is more vital to our supremacy as a nation and to the beneficent purposes of our Government than a sound and stable currency. Its exposure to degradation should at once arouse to activity the most enlightened statesmanship, and the danger of depreciation in the purchasing power of the wages paid to toil should furnish the strongest incentive to prompt and conservative precaution.

In dealing with our present embarrassing situation as related to this subject we will be wise if we temper our confidence and faith in our national strength and resources with the frank concession that even these will not permit us to defy with impunity the inexorable laws of finance and trade. At the same time, in our efforts to adjust differences of opinion we should be free from intolerance or passion, and our judgments should be unmoved by alluring phrases and unvexed by selfish interests.

I am confident that such an approach to the subject will result in prudent and effective remedial legislation. In the meantime, so far as the executive branch of the Government can intervene, none of the powers with which it is invested will be withheld when their exercise is deemed necessary to maintain our national credit or avert financial disaster.

Closely related to the exaggerated confidence in our country's greatness which tends to a disregard of the rules of national safety, another danger confronts us not less serious. I refer to the prevalence of a popular disposition to expect from the operation of the Government especial and direct individual advantages.

The verdict of our voters which condemned the injustice of maintaining protection for protection's sake enjoins upon the people's servants the duty of exposing and destroying the brood of kindred evils which are the unwholesome progeny of paternalism. This is the bane of republican institutions and the constant peril of our government by the people. It degrades to the purposes of wily craft the plan of rule our fathers established and bequeathed to us as an object of our love and veneration. It perverts the patriotic sentiments of our countrymen and tempts them to pitiful calculation of the sordid gain to be derived from their Government's maintenance. It undermines the self-reliance of our people and substitutes in its place dependence upon governmental favoritism. It stifles the spirit of true Americanism and stupefies every ennobling trait of American citizenship.

The lessons of paternalism ought to be unlearned and the better lesson taught that while the people should patriotically and cheerfully support their Government its functions do not include the support of the people.

The acceptance of this principle leads to a refusal of bounties and subsidies, which burden the labor and thrift of a portion of our citizens to aid ill-advised or languishing enterprises in which they have no concern. It leads also to a challenge of wild and reckless pension expenditure, which overleaps the bounds of grateful recognition of patriotic service and prostitutes to vicious uses the people's prompt and generous impulse to aid those disabled in their country's defense.

Every thoughtful American must realize the importance of checking at its beginning any tendency in public or private station to regard frugality and economy as virtues which we may safely outgrow. The

toleration of this idea results in the waste of the people's money by their chosen servants and encourages prodigality and extravagance in the home life of our countrymen.

Under our scheme of government the waste of public money is a crime against the citizen, and the contempt of our people for economy and frugality in their personal affairs deplorably saps the strength and sturdiness of our national character.

It is a plain dictate of honesty and good government that public expenditures should be limited by public necessity, and that this should be measured by the rules of strict economy; and it is equally clear that frugality among the people is the best guaranty of a contented and strong support of free institutions.

One mode of the misappropriation of public funds is avoided when appointments to office, instead of being the rewards of partisan activity, are awarded to those whose efficiency promises a fair return of work for the compensation paid to them. To secure the fitness and competency of appointees to office and remove from political action the demoralizing madness for spoils, civil-service reform has found a place in our public policy and laws. The benefits already gained through this instrumentality and the further usefulness it promises entitle it to the hearty support and encouragement of all who desire to see our public service well performed or who hope for the elevation of political sentiment and the purification of political methods.

The existence of immense aggregations of kindred enterprises and combinations of business interests formed for the purpose of limiting production and fixing prices is inconsistent with the fair field which ought to be open to every independent activity. Legitimate strife in business should not be superseded by an enforced concession to the demands of combinations that have the power to destroy, nor should the people to be served lose the benefit of cheapness which usually results from wholesome competition. These aggregations and combinations frequently constitute conspiracies against the interests of the people, and in all their phases they are unnatural and opposed to our American sense of fairness. To the extent that they can be reached and restrained by Federal power the General Government should relieve our citizens from their interference and exactions.

Loyalty to the principles upon which our Government rests positively demands that the equality before the law which it guarantees to every citizen should be justly and in good faith conceded in all parts of the land. The enjoyment of this right follows the badge of citizenship wherever found, and, unimpaired by race or color, it appeals for recognition to American manliness and fairness.

Our relations with the Indians located within our border impose upon us responsibilities we can not escape. Humanity and consistency require us to treat them with forbearance and in our dealings with them

to honestly and considerately regard their rights and interests. Every effort should be made to lead them, through the paths of civilization and education, to self-supporting and independent citizenship. In the meantime, as the nation's wards, they should be promptly defended against the cupidity of designing men and shielded from every influence or temptation that retards their advancement.

The people of the United States have decreed that on this day the control of their Government in its legislative and executive branches shall be given to a political party pledged in the most positive terms to the accomplishment of tariff reform. They have thus determined in favor of a more just and equitable system of Federal taxation. The agents they have chosen to carry out their purposes are bound by their promises not less than by the command of their masters to devote themselves unremittingly to this service.

While there should be no surrender of principle, our task must be undertaken wisely and without heedless vindictiveness. Our mission is not punishment, but the rectification of wrong. If in lifting burdens from the daily life of our people we reduce inordinate and unequal advantages too long enjoyed, this is but a necessary incident of our return to right and justice. If we exact from unwilling minds acquiescence in the theory of an honest distribution of the fund of the governmental beneficence treasured up for all, we but insist upon a principle which underlies our free institutions. When we tear aside the delusions and misconceptions which have blinded our countrymen to their condition under vicious tariff laws, we but show them how far they have been led away from the paths of contentment and prosperity. When we proclaim that the necessity for revenue to support the Government furnishes the only justification for taxing the people, we announce a truth so plain that its denial would seem to indicate the extent to which judgment may be influenced by familiarity with perversions of the taxing power. And when we seek to reinstate the self-confidence and business enterprise of our citizens by discrediting an abject dependence upon governmental favor, we strive to stimulate those elements of American character which support the hope of American achievement.

Anxiety for the redemption of the pledges which my party has made and solicitude for the complete justification of the trust the people have reposed in us constrain me to remind those with whom I am to cooperate that we can succeed in doing the work which has been especially set before us only by the most sincere, harmonious, and disinterested effort. Even if insuperable obstacles and opposition prevent the consummation of our task, we shall hardly be excused; and if failure can be traced to our fault or neglect we may be sure the people will hold us to a swift and exacting accountability.

The oath I now take to preserve, protect, and defend the Constitution of the United States not only impressively defines the great responsibility

I assume, but suggests obedience to constitutional commands as the rule by which my official conduct must be guided. I shall to the best of my ability and within my sphere of duty preserve the Constitution by loyally protecting every grant of Federal power it contains, by defending all its restraints when attacked by impatience and restlessness, and by enforcing its limitations and reservations in favor of the States and the people.

Fully impressed with the gravity of the duties that confront me and mindful of my weakness, I should be appalled if it were my lot to bear unaided the responsibilities which await me. I am, however, saved from discouragement when I remember that I shall have the support and the counsel and cooperation of wise and patriotic men who will stand at my side in Cabinet places or will represent the people in their legislative halls.

I find also much comfort in remembering that my countrymen are just and generous and in the assurance that they will not condemn those who by sincere devotion to their service deserve their forbearance and approval.

Above all, I know there is a Supreme Being who rules the affairs of men and whose goodness and mercy have always followed the American people, and I know He will not turn from us now if we humbly and reverently seek His powerful aid.

MARCH 4, 1893.

SPECIAL MESSAGES.

EXECUTIVE MANSION,
Washington, March 9, 1893.

To the Senate of the United States:

I transmit herewith a report submitted by the Secretary of State in compliance with the resolution of the Senate of the 3d instant, calling for information relating to the capture and imprisonment of Captain Pharos B. Brubaker by Honduras officials.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 9, 1893.

To the Senate of the United States:

For the purpose of reexamination I withdraw the treaty of annexation between the United States and the Provisional Government of the Hawaiian Islands, now pending in the Senate, which was signed February 14, 1893, and transmitted to the Senate on the 15th of the same month, and I therefore request that said treaty be returned to me.

GROVER CLEVELAND.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

The following provisions of the laws of the United States are hereby published for the information of all concerned:

Section 1956, Revised Statutes, chapter 3, Title XXIII, enacts that—

No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory or in the waters thereof; and every person guilty thereof shall for each offense be fined not less than $200 nor more than $1,000, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulations as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur seal and to provide for the execution of the provisions of this section until it is otherwise provided by law, nor shall he grant any special privileges under this section.

Section 3 of the act entitled "An act to provide for the protection of the salmon fisheries of Alaska," approved March 2, 1889, provides that—

Sec. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Bering Sea; and it shall be the duty of the President at a timely season in each year to issue his proclamation, and cause the same to be published for one month in at least one newspaper (if any such there be) published at each United States port of entry on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein.

Articles I, II, and III of a convention between the United States of America and Great Britain for the renewal of the existing *modus vivendi* in Bering Sea, concluded April 18, 1892, are published for the same purpose:

Article I. Her Majesty's Government will prohibit during the pendency of the arbitration seal killing in that part of Bering Sea lying eastward of the line of demarcation described in Article No. I of the treaty of 1867 between the United States and Russia, and will promptly use its best efforts to insure the observance of this prohibition by British subjects and vessels.

Art. II. The United States Government will prohibit seal killing for the same period in the same part of Bering Sea and on the shores and islands thereof the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence of the natives), and will promptly use its best efforts to insure the observance of this prohibition by United States citizens and vessels.

Art. III. Every vessel or person offending against this prohibition in the said waters of Bering Sea outside of the ordinary territorial limits of the United States

may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who alone shall have jurisdiction to try the offense and impose the penalties for the same. The witnesses and proof necessary to establish the offense shall also be sent with them.

Now, therefore, I, Grover Cleveland, President of the United States, hereby warn all persons against entering the waters of Bering Sea within the dominion of the United States for the purpose of violating the provisions of said section 1956 of the Revised Statutes and of the said articles of said convention, and I hereby proclaim that all persons found to be or to have been engaged in any violation of the laws of the United States or of the provisions of said convention in said waters will be arrested, proceeded against, and punished as above provided.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 8th day of April, 1893, and of the Independence of the United States the one hundred and seventeenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens, or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may at its pleasure become a party to such agreement;" and

Whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;" and

Whereas satisfactory official assurances have been given that in Denmark the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Denmark:

Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the subjects of Denmark.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 8th day of May, 1893, and of the Independence of the United States the one hundred and seventeenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM, *Secretary of State.*

EXECUTIVE MANSION,
Washington, D. C., June 30, 1893.

Whereas the distrust and apprehension concerning the financial situation which pervade all business circles have already caused great loss and damage to our people and threaten to cripple our merchants, stop the wheels of manufacture, bring distress and privation to our farmers, and withhold from our workingmen the wage of labor; and

Whereas the present perilous condition is largely the result of a financial policy which the executive branch of the Government finds embodied in unwise laws, which must be executed until repealed by Congress:

Now, therefore, I, Grover Cleveland, President of the United States, in performance of a constitutional duty, do by this proclamation declare that an extraordinary occasion requires the convening of both Houses of the Congress of the United States at the Capitol, in the city of Washington, on the 7th day of August next, at 12 o'clock noon, to the end that the people may be relieved through legislation from present and impending danger and distress.

All those entitled to act as members of the Fifty-third Congress are required to take notice of this proclamation and attend at the time and place above stated.

Given under my hand and the seal of the United States, at the city of Washington, on the 30th day of June, A. D. 1893, and of the

[SEAL.] Independence of the United States the one hundred and seventeenth.

GROVER CLEVELAND.

By the President:

ALVEY A. ADEE, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an act of Congress amendatory of an act in relation to aiding vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada was approved May 24, 1890, the said act being in the following words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of

Canada," approved June 19, 1878, be, and the same is hereby, amended so that the same will read as follows:

"That Canadian vessels and wrecking appurtenance may render aid and assistance to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada: *Provided*, That this act shall not take effect until proclamation by the President of the United States that the privilege of aiding American or other vessels and property wrecked, disabled, or in distress in Canadian waters contiguous to the United States has been extended by the government of the Dominion of Canada to American vessels and wrecking appliances of all descriptions. This act shall be construed to apply to the Welland Canal, the canal and improvement of the waters between Lake Erie and Lake Huron, and to the waters of the St. Marys River and Canal: *And provided further*, That this act shall cease to be in force from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said government of the Dominion of Canada."

And whereas an act of Congress making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes, approved March 3, 1893, further amended the act of May 24, 1890, as follows:

That an act approved May 24, 1890, entitled "An act to amend an act entitled 'An act to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada,' approved June 19, 1878," be, and is hereby, amended by striking out the words "the Welland Canal."

And whereas by an order in council dated May 17, 1893, the government of the Dominion of Canada has proclaimed an act entitled "An act respecting aid by United States wreckers in Canadian waters" to take effect June 1, 1893, said act reading as follows:

Her Majesty, by and with the advice and consent of the senate and house of commons of Canada, enacts as follows:

1. United States vessels and wrecking appliances may salve any property wrecked and may render aid and assistance to any vessels wrecked, disabled, or in distress in the waters of Canada contiguous to the United States.

2. Aid and assistance include all necessary towing incident thereto.

3. Nothing in the customs or coasting laws of Canada shall restrict the salving operations of such vessels or wrecking appliances.

4. This act shall come into force from and after a date to be named in a proclamation by the Governor-General, which proclamation may be issued when the Governor in council is advised that the privilege of salving any property wrecked or of aiding any vessels wrecked, disabled, or in distress in United States waters contiguous to Canada will be extended to Canadian vessels and wrecking appliances to the extent to which such privilege is granted by this act to United States vessels and wrecking appliances.

5. This act shall cease to be in force from and after a date to be named in a proclamation to be issued by the Governor-General to the effect that the said reciprocal privilege has been withdrawn, revoked, or rendered inoperative with respect to Canadian vessels or wrecking appliances in United States waters contiguous to Canada.

And whereas said proclamation of the Governor-General of Canada was communicated to this Government by Her Britannic Majesty's ambassador on the 2d day of June last:

Now, therefore, being thus satisfied that the privilege of aiding American or other vessels and property wrecked, disabled, or in distress in

Canadian waters contiguous to the United States has been extended by the government of the Dominion of Canada to American vessels and wrecking appliances of all descriptions, I, Grover Cleveland, President of the United States of America, in virtue of the authority conferred upon me by the aforesaid act of Congress approved May 24, 1890, do proclaim that the condition specified in the legislation of Congress aforesaid now exists and is fulfilled, and that the provisions of said act of May 24, 1890, whereby Canadian vessels and wrecking appliances may render aid and assistance to Canadian and other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada, including the canal and improvement of the waters between Lake Erie and Lake Huron and the waters of the St. Marys River and Canal, are now in full force and effect.

In testimony whereof I have hereunto set my hand and caused the seal of the United States of America to be hereunto affixed.

[SEAL.] Done at the city of Washington, this 17th day of July, A. D. 1893, and of the Independence of the United States the one hundred and eighteenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens, or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may at its pleasure become a party to such agreement;" and

Whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;" and

Whereas satisfactory official assurances have been given that in Portugal the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Portugal:

Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the subjects of Portugal.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 20th day of July, A. D. 1893, and of the Independence of the United States the one hundred and eighteenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM, *Secretary of State.*

EXECUTIVE ORDERS.

AMENDMENT OF CIVIL-SERVICE RULES.

Departmental Rule VII is hereby amended by adding thereto the following section:

8. The First Comptroller of the Treasury having advised the Secretary of the Treasury that under the operation of section 5 of the legislative, executive, and judicial appropriation act making appropriations for the fiscal year ending June 30, 1894, the employment of substitutes in the departmental service must cease from and after July 1, 1893, it is hereby ordered, in view of the fact that the substitutes now employed were appointed by regular certification under section 7 of this rule, that such of said substitutes as shall not be appointed to regular places before the employment of substitutes shall cease shall be eligible for appointment to regular places by reinstatement under the provisions of Departmental Rule X, in the order of their employment as substitutes as provided in said section 7, notwithstanding the prohibition contained in the second proviso of said section; and said substitutes shall have preference for appointment in the manner herein provided over all other eligibles.

This section shall become inoperative and cease to be a part of the civil-service rules when all of the substitutes now employed in the several Departments shall have been appointed as herein provided or shall have ceased to be eligible for appointment by reason of the expiration of the time within which a reinstatement can be made under Rule X.

Approved, April 12, 1893.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 8, 1893.*

It has become apparent after two months' experience that the rules heretofore promulgated regulating interviews with the President have wholly failed in their operation. The time which under these rules was set apart for the reception of Senators and Representatives has been almost entirely spent in listening to applications for office, which have been bewildering in volume, perplexing and exhausting in their iteration, and impossible of remembrance.

A due regard for public duty, which must be neglected if present conditions continue, and an observance of the limitations placed upon human endurance oblige me to decline from and after this date all personal interviews with those seeking appointments to office, except as I on my own

motion may especially invite them. The same considerations make it impossible for me to receive those who merely desire to pay their respects except on the days and during the hours especially designated for that purpose.

I earnestly request Senators and Representatives to aid me in securing for them uninterrupted interviews by declining to introduce their constituents and friends when visiting the Executive Mansion during the hours designated for their reception. Applicants for office will only prejudice their prospects by repeated importunity and by remaining in Washington to await results.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 26, 1893.*

It is hereby ordered, That the several Executive Departments and the Government Printing Office be closed on Tuesday, the 30th instant, to enable the employees to participate in the decoration of the graves of the soldiers and sailors who fell in the defense of the Union during the War of the Rebellion.

GROVER CLEVELAND.

AMENDMENTS OF CIVIL-SERVICE RULES.

Special Departmental Rule No. 1 is hereby amended as follows: Include among the places excepted from examination therein the following:

6. In the Department of Agriculture:

In the office of the Secretary: The assistant chiefs of the following divisions: Of economic ornithology and mammalogy, of pomology, of microscopy, of vegetable pathology, of records and editing, and one property clerk.

In the Weather Bureau: The assistant chief of the Bureau, the three professors of meteorology of highest grade, executive officer, superintendent of telegraph lines, and one property clerk.

In the United States Commission of Fish and Fisheries the following: Scientific or professional experts to be temporarily employed in investigations authorized by Congress, but not to include any persons regularly employed in that Commission nor any person whose duties are not scientific or professional and who are not experts in the particular line of scientific inquiry in which they are to be employed.

EXECUTIVE MANSION, *June 6, 1893.*

The foregoing amendments are hereby approved.

GROVER CLEVELAND.

AMENDMENTS OF CIVIL-SERVICE RULES.

Postal Rule No. 2 is hereby amended as follows:

Strike out all of section 1 except the last paragraph, relating to noncompetitive examinations, and insert in lieu thereof the following:

1. To test the fitness for admission to the classified postal service one or more examinations shall be provided, as the Commission may determine, which shall not

include more than the following subjects: Orthography, copying, penmanship, arithmetic (fundamental rules, fractions, and percentage), elements of the geography of the United States, local delivery, reading addresses, physical tests: *Provided*, That when special examinations are needed to test fitness for any place requiring special or technical knowledge or skill the examination shall include, in addition to the special subjects required, such of the subjects of the regular examination as the Commission may determine.

Strike out section 2 and insert in lieu thereof the following:

No person shall be examined for the position of letter carrier if under 21 or over 40 years of age, and no person shall be examined for any other position in the classified postal service if under 18 years of age.

EXECUTIVE MANSION, *June 6, 1893.*

The foregoing amendments are hereby approved.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, June 16, 1893.

In accordance with section 16 of the act of Congress approved April 25, 1890, and entitled "An act to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea in the city of Chicago, in the State of Illinois," the designations of the following-named persons as members of the board of control and management of the Government exhibit at the World's Columbian Exhibition are hereby approved:

W. W. Rockhill, chief clerk of the Department of State, to represent that Department, *vice* William E. Curtis.

Lieutenant-Commander E. D. Taussig, United States Navy, to represent the Navy Department, *vice* Captain R. W. Meade, United States Navy.

Frank W. Clark, chemist, United States Geological Survey, to represent the Department of the Interior, *vice* Horace A. Taylor.

GROVER CLEVELAND.

SPECIAL SESSION MESSAGE.

EXECUTIVE MANSION, *August 8, 1893.*

To the Congress of the United States:

The existence of an alarming and extraordinary business situation, involving the welfare and prosperity of all our people, has constrained me to call together in extra session the people's representatives in Congress, to the end that through a wise and patriotic exercise of the legislative duty, with which they solely are charged, present evils may be mitigated and dangers threatening the future may be averted.

Our unfortunate financial plight is not the result of untoward events nor of conditions related to our natural resources, nor is it traceable to any of the afflictions which frequently check national growth and prosperity. With plenteous crops, with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment, and with satisfactory assurance to business enterprise, suddenly financial distrust and fear have sprung up on every side. Numerous moneyed institutions have suspended because abundant assets were not immediately available to meet the demands of frightened depositors. Surviving corporations and individuals are content to keep in hand the money they are usually anxious to loan, and those engaged in legitimate business are surprised to find that the securities they offer for loans, though heretofore satisfactory, are no longer accepted. Values supposed to be fixed are fast becoming conjectural, and loss and failure have invaded every branch of business.

I believe these things are principally chargeable to Congressional legislation touching the purchase and coinage of silver by the General Government.

This legislation is embodied in a statute passed on the 14th day of July, 1890, which was the culmination of much agitation on the subject involved, and which may be considered a truce, after a long struggle, between the advocates of free silver coinage and those intending to be more conservative.

Undoubtedly the monthly purchases by the Government of 4,500,000 ounces of silver, enforced under that statute, were regarded by those interested in silver production as a certain guaranty of its increase in price. The result, however, has been entirely different, for immediately following a spasmodic and slight rise the price of silver began to fall after the passage of the act, and has since reached the lowest point ever known. This disappointing result has led to renewed and persistent effort in the direction of free silver coinage.

Meanwhile not only are the evil effects of the operation of the present law constantly accumulating, but the result to which its execution must inevitably lead is becoming palpable to all who give the least heed to financial subjects.

This law provides that in payment for the 4,500,000 ounces of silver bullion which the Secretary of the Treasury is commanded to purchase monthly there shall be issued Treasury notes redeemable on demand in gold or silver coin, at the discretion of the Secretary of the Treasury, and that said notes may be reissued. It is, however, declared in the act to be "the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law." This declaration so controls the action of the Secretary of the Treasury as to prevent his exercising the discretion nominally vested in him if by such action the parity between gold

LANDING U. S. TROOPS AT SIBONEY, CUBA

LANDING TROOPS ON THE CUBAN SHORE

General Shafter's army of 17,000 men were disembarked on the 22d, 23d and 24th days of June, 1898. The main landing place was Daiquiri, but Kent's division landed at Siboney, as shown in the illustration. Two soldiers perished when a boat capsized. Considering the squally weather and the weight of the accoutrements carried by each man it is a wonder that more did not drown. At Daiquiri some of the boats were run up on the beach, so that the troops might wade ashore, while others ran up to a ramshackle old wharf, to which the men jumped when the boat rose on a wave.

The need of a merchant marine was made apparent by the events of the war. The Government paid steamship owners two and three times their commercial freight rates for the use of vessels as transports and supply ships. (Great Britain pays 10 per cent. more than the commercial rates.) Nevertheless, before turning over their vessels to the Government the owners carefully removed the accessories of a passenger steamer — beds, linen, towels, etc., converting the ships into mere tramp steamers. When the coast of Cuba had been reached and the troops disembarked, the captains of these vessels would take fright at the least sound of firing and run twenty miles out to sea, bearing rations and supplies in their holds, while the troops on the firing line went without their hardtack, bacon and coffee.

The men called the transports prisons, and the landing was like a pleasure-seeking excursion. They sang in chorus to the rhythm of the oars, waded ashore with howls of triumph, stripped and hung their uniforms to dry before the fire, then plunged naked into the surf, still shouting and dancing. At night the searchlights of the fleet made the picturesque scene light as day.

The article, "Spanish-American War," recites the history of the struggle briefly. President McKinley's wartime messages form the official history.

and silver may be disturbed. Manifestly a refusal by the Secretary to pay these Treasury notes in gold if demanded would necessarily result in their discredit and depreciation as obligations payable only in silver, and would destroy the parity between the two metals by establishing a discrimination in favor of gold.

Up to the 15th day of July, 1893, these notes had been issued in payment of silver-bullion purchases to the amount of more than $147,000,000. While all but a very small quantity of this bullion remains uncoined and without usefulness in the Treasury, many of the notes given in its purchase have been paid in gold. This is illustrated by the statement that between the 1st day of May, 1892, and the 15th day of July, 1893, the notes of this kind issued in payment for silver bullion amounted to a little more than $54,000,000, and that during the same period about $49,000,000 were paid by the Treasury in gold for the redemption of such notes.

The policy necessarily adopted of paying these notes in gold has not spared the gold reserve of $100,000,000 long ago set aside by the Government for the redemption of other notes, for this fund has already been subjected to the payment of new obligations amounting to about $150,000,000 on account of silver purchases, and has as a consequence for the first time since its creation been encroached upon.

We have thus made the depletion of our gold easy and have tempted other and more appreciative nations to add it to their stock. That the opportunity we have offered has not been neglected is shown by the large amounts of gold which have been recently drawn from our Treasury and exported to increase the financial strength of foreign nations. The excess of exports of gold over its imports for the year ending June 30, 1893, amounted to more than $87,500,000.

Between the 1st day of July, 1890, and the 15th day of July, 1893, the gold coin and bullion in our Treasury decreased more than $132,000,000, while during the same period the silver coin and bullion in the Treasury increased more than $147,000,000. Unless Government bonds are to be constantly issued and sold to replenish our exhausted gold, only to be again exhausted, it is apparent that the operation of the silver-purchase law now in force leads in the direction of the entire substitution of silver for the gold in the Government Treasury, and that this must be followed by the payment of all Government obligations in depreciated silver.

At this stage gold and silver must part company and the Government must fail in its established policy to maintain the two metals on a parity with each other. Given over to the exclusive use of a currency greatly depreciated according to the standard of the commercial world, we could no longer claim a place among nations of the first class, nor could our Government claim a performance of its obligation, so far as such an obligation has been imposed upon it, to provide for the use of the people the best and safest money.

If, as many of its friends claim, silver ought to occupy a larger place in our currency and the currency of the world through general international cooperation and agreement, it is obvious that the United States will not be in a position to gain a hearing in favor of such an arrangement so long as we are willing to continue our attempt to accomplish the result single-handed.

The knowledge in business circles among our own people that our Government can not make its fiat equivalent to intrinsic value nor keep inferior money on a parity with superior money by its own independent efforts has resulted in such a lack of confidence at home in the stability of currency values that capital refuses its aid to new enterprises, while millions are actually withdrawn from the channels of trade and commerce to become idle and unproductive in the hands of timid owners. Foreign investors, equally alert, not only decline to purchase American securities, but make haste to sacrifice those which they already have.

It does not meet the situation to say that apprehension in regard to the future of our finances is groundless and that there is no reason for lack of confidence in the purposes or power of the Government in the premises. The very existence of this apprehension and lack of confidence, however caused, is a menace which ought not for a moment to be disregarded. Possibly, if the undertaking we have in hand were the maintenance of a specific known quantity of silver at a parity with gold, our ability to do so might be estimated and gauged, and perhaps, in view of our unparalleled growth and resources, might be favorably passed upon. But when our avowed endeavor is to maintain such parity in regard to an amount of silver increasing at the rate of $50,000,000 yearly, with no fixed termination to such increase, it can hardly be said that a problem is presented whose solution is free from doubt.

The people of the United States are entitled to a sound and stable currency and to money recognized as such on every exchange and in every market of the world. Their Government has no right to injure them by financial experiments opposed to the policy and practice of other civilized states, nor is it justified in permitting an exaggerated and unreasonable reliance on our national strength and ability to jeopardize the soundness of the people's money.

This matter rises above the plane of party politics. It vitally concerns every business and calling and enters every household in the land. There is one important aspect of the subject which especially should never be overlooked. At times like the present, when the evils of unsound finance threaten us, the speculator may anticipate a harvest gathered from the misfortune of others, the capitalist may protect himself by hoarding or may even find profit in the fluctuations of values; but the wage earner—the first to be injured by a depreciated currency and the last to receive the benefit of its correction—is practically defenseless. He

relies for work upon the ventures of confident and contented capital. This failing him, his condition is without alleviation, for he can neither prey on the misfortunes of others nor hoard his labor. One of the greatest statesmen our country has known, speaking more than fifty years ago, when a derangement of the currency had caused commercial distress, said:

> The very man of all others who has the deepest interest in a sound currency and who suffers most by mischievous legislation in money matters is the man who earns his daily bread by his daily toil.

These words are as pertinent now as on the day they were uttered, and ought to impressively remind us that a failure in the discharge of our duty at this time must especially injure those of our countrymen who labor, and who because of their number and condition are entitled to the most watchful care of their Government.

It is of the utmost importance that such relief as Congress can afford in the existing situation be afforded at once. The maxim "He gives twice who gives quickly" is directly applicable. It may be true that the embarrassments from which the business of the country is suffering arise as much from evils apprehended as from those actually existing. We may hope, too, that calm counsels will prevail, and that neither the capitalists nor the wage earners will give way to unreasoning panic and sacrifice their property or their interests under the influence of exaggerated fears. Nevertheless, every day's delay in removing one of the plain and principal causes of the present state of things enlarges the mischief already done and increases the responsibility of the Government for its existence. Whatever else the people have a right to expect from Congress, they may certainly demand that legislation condemned by the ordeal of three years' disastrous experience shall be removed from the statute books as soon as their representatives can legitimately deal with it.

It was my purpose to summon Congress in special session early in the coming September, that we might enter promptly upon the work of tariff reform, which the true interests of the country clearly demand, which so large a majority of the people, as shown by their suffrages, desire and expect, and to the accomplishment of which every effort of the present Administration is pledged. But while tariff reform has lost nothing of its immediate and permanent importance and must in the near future engage the attention of Congress, it has seemed to me that the financial condition of the country should at once and before all other subjects be considered by your honorable body.

I earnestly recommend the prompt repeal of the provisions of the act passed July 14, 1890, authorizing the purchase of silver bullion, and that other legislative action may put beyond all doubt or mistake the intention and the ability of the Government to fulfill its pecuniary obligations in money universally recognized by all civilized countries.

GROVER CLEVELAND.

SPECIAL MESSAGE.

EXECUTIVE MANSION,
Washington, October 18, 1893.

To the Senate of the United States:

In response to the resolution of the Senate of the 10th instant, concerning the attitude of the Government of China with regard to an extension of the time for the registration of Chinese laborers in the United States under the act of May 5, 1892, I transmit a report of the Secretary of State on the subject.

GROVER CLEVELAND.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to section 10 of the act of Congress approved March 3, 1893, entitled "An act making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for fiscal year ending June 30, 1894," the Cherokee Nation of Indians, by a written agreement made on the 17th day of May, 1893, has ratified the agreement for the cession of certain lands hereinafter described, as amended by said act of March 3, 1893, and thereby ceded, conveyed, transferred, relinquished, and surrendered all its title, claim, and interest of every kind and character in and to that part of the Indian Territory bounded on the west by the one hundredth degree (100°) of west longitude, on the north by the State of Kansas, on the east by the ninety-sixth degree (96°) of west longitude, and on the south by the Creek Nation, the Territory of Oklahoma, and the Cheyenne and Arapahoe Reservation created or defined by Executive order dated August 10, 1869: *Provided*, That any citizen of the Cherokee Nation who prior to the 1st day of November, 1891, was a *bona fide* resident upon and, further, had, as a farmer and for farming purposes, made permanent and valuable improvements upon any part of the land so ceded, and who has not disposed of the same, but desires to occupy the particular lands so improved as a homestead and for farming purposes, shall have the right to select one-eighth of a section of land, to conform, however, to the United States surveys; such selection to embrace, as far as the above limitation will admit, such improvements; the wife and children of any such citizen shall have the same right of selection that is above given to the citizen, and they shall

have the preference in making selections to take any lands improved by the husband and father that he can not take until all of his improved land shall be taken; and that any citizen of the Cherokee Nation not a resident within the land so ceded who prior to the 1st day of November, 1891, had for farming purposes made valuable and permanent improvements upon any of the land so ceded shall have the right to select one-eighth of a section of land, to conform to the United States surveys; such selection to embrace, as far as the above limitation will admit, such improvements; but the allotments so provided for shall not exceed seventy (70) in number and the land allotted shall not exceed five thousand and six hundred (5,600) acres; and such allotments shall be made and confirmed under such rules and regulations as shall be prescribed by the Secretary of the Interior, and when so made and confirmed shall be conveyed to the allottees respectively by the United States in fee simple; and from the price to be paid to the Cherokee Nation for the cession so made there shall be deducted the sum of one dollar and forty cents ($1.40) for each acre so taken in allotment: *And provided*, That D. W. Bushyhead having made permanent or valuable improvements prior to the 1st day of November, 1891, on the lands so ceded, he may select a quarter section of the lands ceded, whether reserved or otherwise, prior to the opening of said lands to public settlement, but he shall be required to pay for such selection at the same rate per acre as other settlers, into the Treasury of the United States, in such manner as the Secretary of the Interior shall direct; and

Whereas it is provided in section 10 of the aforesaid act of Congress approved March 3, 1893, that—

Said lands, except the portion to be allotted as provided in said agreement, shall, upon the payment of the sum of $295,736, herein appropriated, to be immediately paid, become and be taken to be and treated as a part of the public domain; but in any opening of the same to settlement sections 16 and 36 in each township, whether surveyed or unsurveyed, shall be, and are hereby, reserved for the use and benefit of the public schools to be established within the limits of such lands, under such conditions and regulations as may be hereafter enacted by Congress. * * *

Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, and the east half of sections 17, 20, and 29, all in township No. 29 north of range No. 2 east of the Indian meridian, the same being lands reserved by Executive order dated July 12, 1884, for use of and in connection with the Chilocco Indian Industrial School, in the Indian Territory, shall not be subject to public settlement, but shall until the further action of Congress continue to be reserved for the purposes for which they were set apart in the said Executive order; and the President of the United States, in any order or proclamation which he shall make for the opening of the lands for settlement, may make such other reservations of lands for public purposes as he may deem wise and desirable.

The President of the United States is hereby authorized, at any time within six months after the approval of this act and the acceptance of the same by the Cherokee Nation as herein provided, by proclamation, to open to settlement any or all of the lands not allotted or reserved in the manner provided in section 13 of the act of Congress approved March 2, 1889, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other

purposes" (25 U. S. Statutes at Large, p. 1005); and also subject to the provisions of the act of Congress approved May 2, 1890, entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes;" also subject to the second proviso of section 17, the whole of section 18, of the act of March 3, 1891, entitled "An act making appropriations for the current expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes;" except as to so much of said acts and sections as may conflict with the provisions of this act. Each settler on the lands so to be opened to settlement as aforesaid shall before receiving a patent for his homestead pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of $2.50 per acre for any land east of 97½° west longitude, the sum of $1.50 per acre for any land between 97½° west longitude and 98½° west longitude, and the sum of $1 per acre for any land west of 98½° west longitude, and shall also pay interest upon the amount so to be paid for said land from the date of entry to the date of final payment therefor at the rate of 4 per cent per annum.

No person shall be permitted to occupy or enter upon any of the lands herein referred to except in the manner prescribed by the proclamation of the President opening the same to settlement, and any person otherwise occupying or entering upon any of said lands shall forfeit all right to acquire any of said lands. The Secretary of the Interior shall, under the direction of the President, prescribe rules and regulations, not inconsistent with this act, for the occupation and settlement of said lands, to be incorporated in the proclamation of the President, which shall be issued at least twenty days before the time fixed for the opening of said lands.

And whereas by a written agreement made on the 21st day of October, 1891, the Tonkawa tribe of Indians, in the Territory of Oklahoma, ceded, conveyed, and forever relinquished to the United States all their right, title, claim, and interest of every kind and character in and to the lands particularly described in Article I of the agreement: *Provided*, That the allotments of land to said Tonkawa tribe of Indians theretofore made or to be made under said agreement and the provisions of the general allotment act approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891, shall be confirmed: *And provided*, That in all cases where the allottee has died since land has been set off and scheduled to such person the law of descent and partition in force in Oklahoma Territory shall apply thereto, any existing law to the contrary notwithstanding; and

Whereas by a certain other agreement with the Pawnee tribe of Indians, in said Territory, made on the 23d day of November, 1892, said tribe ceded, conveyed, released, relinquished, and surrendered to the United States all its title, claim, and interest of every kind and character in and to the lands particularly described in Article I of the agreement: *Provided*, That the allotments made or to be made to said Indians in the manner and subject to the conditions contained in said agreement shall be confirmed; and

Whereas it is provided in section 13 of the act of Congress accepting, ratifying, and confirming said agreements with the Tonkawa Indians and the Pawnee Indians, specified in sections 11 and 12 of the same act, approved March 3, 1893, entitled "An act making appropriations for

current and contingent expenses and fulfilling treaty stipulations with Indian tribes for fiscal year ending June 30, 1894"—

That the lands acquired by the agreements specified in the two preceding sections are hereby declared to be a part of the public domain. Sections 16 and 36 in each township, whether surveyed or unsurveyed, are hereby reserved from settlement for the use and benefit of public schools, as provided in section 10 relating to lands acquired from the Cherokee Nation of Indians; and the lands so acquired by the agreements specified in the two preceding sections not so reserved shall be opened to settlement by proclamation of the President at the same time and in the manner and subject to the same conditions and regulations provided in section 10 relating to the opening of the lands acquired from the Cherokee Nation of Indians; and each settler on the lands so to be opened as aforesaid shall before receiving a patent for his homestead pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of $2.50 per acre, and shall also pay interest upon the amount so to be paid for said land from the date of entry to the date of final payment at the rate of 4 per cent per annum.

And whereas the thirteenth section of the act approved March 2, 1889, the act approved May 2, 1890, and the second proviso of section 17 and the whole of section 18 of the act approved March 3, 1891, are referred to in the tenth section of the act approved March 3, 1893, and thereby made applicable in the disposal of the lands in the Cherokee Outlet hereinbefore mentioned, the provisions of which acts, so far as they affect the opening to settlement and the disposal of said lands, are more particularly set forth hereinafter in connection with the rules and regulations prescribed by the Secretary of the Interior for the occupation and settlement of the lands hereby opened according to said tenth section; and

Whereas the lands acquired by the three several agreements hereinbefore mentioned have been divided into counties by the Secretary of the Interior, as required by said last-mentioned act of Congress before the same shall be opened to settlement, and lands have been reserved for county-seat purposes, to be entered under sections 2387 and 2388 of the Revised Statutes of the United States, as therein required, as follows, to wit:

For County K, the southeast quarter of section 23 and the northeast quarter of section 26, township 28 north, range 2 east of the Indian meridian, excepting 4 acres reserved for the site of a court-house, to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservation to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22 of the act of May 2, 1890.

For County L, the southwest quarter of section 1 and the southeast quarter of section 2, township 25 north, range 6 west of the Indian meridian, excepting 4 acres reserved for the site of a court-house, to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservation to be additional to the

reservations for parks, schools, and other public purposes required to be made by section 22 of the act of May 2, 1890.

For County M, the south half of the northeast quarter and the north half of the southeast quarter of section 23 and the south half of the northwest quarter and the north half of the southwest quarter of section 24, township 27 north, range 14 west of the Indian meridian, excepting 1 acre reserved for Government use for the site of a land office and 4 acres to be reserved for the site of a court-house, which tracts are to be contiguous and to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservations to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22 of the act of May 2, 1890.

For County N, the south half of section 25, township 23 north, range 21 west of the Indian meridian, excepting 1 acre reserved for Government use for the site of a land office and 4 acres to be reserved for the site of a court-house, which tracts are to be contiguous and to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservations to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22 of the act of May 2, 1890.

For County O, the southeast quarter of section 7 and the southwest quarter of section 8, township 22 north, range 6 west of the Indian meridian, excepting 1 acre reserved for Government use for the site of a land office and 4 acres to be reserved for the site of a court-house, which tracts are to be contiguous and to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservations to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22 of the act of May 2, 1890.

For County P, the northeast quarter of section 22 and the northwest quarter of section 23, township 21 north, range 1 west of the Indian meridian, excepting 1 acre reserved for Government use for the site of a land office and 4 acres reserved for the site of a court-house, which tracts are to be contiguous and to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservations to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22 of the act of May 2, 1890; and

For County Q, the southeast quarter of section 31, the west half of the southwest quarter of section 32, township 22 north, range 5 east, lot 4 of section 5, and lot 1 of section 6, township 21 north, range 5 east of the

Indian meridian, excepting 4 acres reserved for the site of a court-house, to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservation to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22 of the act of May 2, 1890.

Whereas it is provided by act of Congress for temporary government of Oklahoma, approved May 2, 1890, section 23 (26 U. S. Statutes at Large, p. 92), that there shall be reserved public highways 4 rods wide between each section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made, where cash payments are provided for, in the amount to be paid for each quarter section of land by reason of such reservation; and

Whereas all the terms, conditions, and considerations required by said agreements made with said nation and tribes of Indians and by the laws relating thereto precedent to opening said lands to settlement have been, as I hereby declare, complied with:

Now, therefore, I, Grover Cleveland, President of the United States, by virtue of the power in me vested by the statutes hereinbefore mentioned and by other the laws of the United States and by said several agreements, do hereby declare and make known that all the lands acquired from the Cherokee Nation of Indians, the Tonkawa tribe of Indians, and the Pawnee tribe of Indians by the three several agreements aforesaid will at the hour of 12 o'clock noon (central standard time) on Saturday, the 16th day of the month of September, A. D. 1893, and not before, be opened to settlement under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said agreements, the statutes above specified, the laws of the United States applicable thereto, and the conditions prescribed by this proclamation, saving and excepting lands described and identified as follows, to wit: The lands set apart for the Osage and Kansas Indians, being a tract of country bounded on the north by the State of Kansas, on the east by the ninety-sixth degree of west longitude, on the south and west by the Creek country and the main channel of the Arkansas River; the lands set apart for the Confederated Otoe and Missouria tribes of Indians, described as follows, to wit: Township 22 north, range 1 east; township 23 north, range 1 east; township 22 north, range 2 east; township 23 north, range 2 east; township 22 north, range 3 east; and that portion of township 23 north, range 3 east, lying west of the Arkansas River; and the lands set apart for the Ponca tribe of Indians, described as follows, to wit: Township 24 north, range 1 east; township 25 north, range 1 east; fractional township 24 north, range 2 east; fractional township 25 north, range 2 east; fractional township 24 north, range 3 east; fractional township 25 north, range 3 east; fractional township 24 north, range 4 east; fractional township 25 north, range 4 east, the said fractional townships lying on the right bank of the Arkansas

River; excepting also the lands allotted to the Indians as in said agreements provided; excepting also the lands reserved by Executive orders dated April 18, 1882, and January 17, 1883 (known as Camp Supply Military Reservation), described as follows, to wit: Township 24 north, range 22 west; the south half of township 25 north, range 22 west; and the southwest quarter of township 25 north, range 21 west; excepting also 1 acre of land in each of the reservations for county-seat purposes in Counties M, N, O, and P, which tracts are hereby reserved for Government use as sites for land offices, and 4 acres in each reservation for county-seat purposes hereinbefore named, which tracts are hereby reserved as sites for court-houses; and excepting also the reservations for the use of and in connection with the Chilocco Indian Industrial School and for county-seat purposes hereinbefore described; excepting also the saline lands covered by three leases made by the Cherokee Nation prior to March 3, 1893, known as the Eastern, Middle, and Western Saline reserves, under authority of the act of Congress of August 7, 1882 (22 U. S. Statutes at Large, p. 349), said lands being described and identified as follows: The Eastern Saline Reserve embracing all of section 6; lots 3 and 4 of section 4; the south half of the northeast quarter, the south half of the northwest quarter, the north half of the southwest quarter, and lots 1, 2, 3, and 4 of section 5; and the northeast quarter of the northwest quarter and lots 1 and 2 of section 7, township 25 north, range 9 west. All of sections 6, 7, 8, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, and 33; the southwest quarter, the southwest quarter of the northwest quarter, and lots 2, 3, 4, 5, 6, and 7 of section 5; the southwest quarter, the southwest quarter of the northwest quarter, the southwest quarter of the southeast quarter, and lot 1 of section 9; the west half of the southwest quarter of section 15; the west half, the southeast quarter, the west half of the northeast quarter, and the southeast quarter of the northeast quarter of section 16; the west half, the west half of the southeast quarter, and the southeast quarter of the southeast quarter of section 22; the west half, the west half of the southeast quarter, the northeast quarter of the southeast quarter, and the southwest quarter of the northeast quarter of section 26; the northwest quarter, the north half of the southwest quarter, the west half of the northeast quarter, and the northeast quarter of the northeast quarter of section 34; and the northwest quarter of the northwest quarter of section 35, township 26 north, range 9 west. All of section 31; the southwest quarter of the southeast quarter, the southeast quarter of the southwest quarter, and lot 4 of section 30; and lots 3 and 4 of section 32, township 27 north, range 9 west. All of sections 1, 2, 3, 4, 9, 10, and 11; the southeast quarter, the south half of the northeast quarter, the east half of the southwest quarter, the southeast quarter of the northwest quarter, and lots 1, 2, and 3 of section 5; the east half, the southwest quarter, and the east half of the northwest quarter of section 8; the north half, the north half of the southwest quarter, the southwest quarter of the southwest

quarter, and the northwest quarter of the southeast quarter of section 12; the northwest quarter, the northwest quarter of the northeast quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of section 14; the north half, the southeast quarter and the north half of the southwest quarter of section 15; and the northeast quarter and the north half of the northwest quarter of section 16, township 25 north, range 10 west. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36; the south half of the northeast quarter, the southeast quarter of the northwest quarter, the southeast quarter, the east half of the southwest quarter, and lots 1, 2, and 3 of section 4; the east half, the southwest quarter, the east half of the northwest quarter, and the southwest quarter of the northwest quarter of section 9; the southeast quarter of the southeast quarter of section 17; the east half of the northeast quarter and the east half of the southeast quarter of section 20; the southeast quarter and the east half of the northeast quarter of section 29; and the east half and the southeast quarter of the southwest quarter of section 32 of township 26 north, range 10 west. All of sections 22, 26, 27, 34, 35, and 36; the east half of the northeast quarter and the east half of the southeast quarter of section 21; the southwest quarter, the west half of the southeast quarter, the south half of the northwest quarter, and lots 1 and 6 of section 23; the southwest quarter, the west half of the southeast quarter, the southeast quarter of the southeast quarter, the south half of the northwest quarter, and lot 1 of section 25; the east half of section 28; and the east half and the southeast quarter of the southwest quarter of section 33, township 27 north, range 10 west. The Middle Saline Reserve embracing the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter, and lots 2, 3, 4, 5, 6, and 7 of section 6; and the northwest quarter of the northeast quarter, the northeast quarter of the northwest quarter, and lot 1 of section 7, township 26 north, range 18 west. The southwest quarter of the southeast quarter, the southeast quarter of the southwest quarter, and lot 7 of section 6; the west half of the northeast quarter, the east half of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter, and lots 1, 2, 3, and 4 of section 7; the west half of the northeast quarter, the east half of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter, and lots 1, 2, 3, and 4 of section 18; the west half of the northeast quarter, the east half of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter, and lots 1, 2, 3, and 4 of section 19; the northwest quarter of the northeast quarter, the northeast quarter of the northwest quarter, and lots 1, 2, 3, 4, 6, 7, and 8 of section 30; and the west half of the northeast quarter, the east half of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter, and lots 1, 2, 3, and 4 of section 31, township 27

north, range 18 west. All of sections 1 to 6, inclusive; the north half of the north half of sections 8, 9, 10, 11, and 12; and the north half of the northeast quarter, the northeast quarter of the northwest quarter, and lot 1 of section 7, township 26 north, range 19 west. All of sections 7 to 36, inclusive; the south half of the south half of sections 1, 2, 3, 4, and 5, and the south half of the southeast quarter, the southeast of the southwest quarter, and lot 7 of section 6, township 27 north, range 19 west. All of sections 1 and 2; the south half of the northeast quarter, the southeast quarter, and lots 1 and 2 of section 3; the north half of the northeast quarter of section 10; and the north half of the north half of sections 11 and 12, township 26 north, range 20 west. All of sections 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36; the south half of the southeast quarter and lot 7 of section 1; the southwest quarter of the southwest quarter and lot 6 of section 2; the south half of the southeast quarter of section 3; and the east half of sections 10, 15, 22, 27, and 34, township 27 north, range 20 west. And the Western Saline Reserve embracing all of sections 18, 19, 30, and 31, township 29 north, range 20 west; and all of sections 13, 14, 23, 24, 25, 26, 35, and 36, township 29 north, range 21 west. Excepting also that section 13 in each township, which has not been otherwise reserved or disposed of, is hereby reserved for university, agricultural-college, and normal-school purposes, subject to the action of Congress; excepting also that section 33 in each township, which has not been otherwise reserved or disposed of, is hereby reserved for public buildings; excepting also sections 16 and 36 in each township, which are reserved by law for the use and benefit of the public schools; excepting also all selections and allotments made under the law and the agreements herein referred to, the lands covered by said selections and allotments to be particularly described and identified; said descriptions to be furnished by the Commissioner of the General Land Office and posted in the several booths hereinafter referred to as those where certain preliminary declarations are to be made prior to the day named in this proclamation as that when the strip will be open to settlement.

Said lands so to be opened as herein proclaimed shall be entered upon and occupied only in the manner and under the provisions following, to wit:

A strip of land 100 feet in width around and immediately within the outer boundaries of the entire tract of country to be opened to settlement under this proclamation is hereby temporarily set apart for the following purposes and uses, viz:

Said strip, the inner boundary of which shall be 100 feet from the exterior boundary of the country known as the Cherokee Outlet, shall be open to occupancy in advance of the day and hour named for the opening of said country by persons expecting and intending to make settlement pursuant to this proclamation. Such occupancy shall not be regarded as trespass or in violation of this proclamation or of the law under which it is made, nor shall any settlement rights be gained thereby.

The Commissioner of the General Land Office shall, under the direction of the Secretary of the Interior, establish on said 100-foot strip booths, to be located as follows: One in township 29 north, range 2 east; one in township 29 north, range 2 west; one in township 29 north, range 4 west; one in township 29 north, range 8 west; one in township 29 north, range 12 west; one in township 20 north, range 3 east; one in township 20 north, range 2 west; one in township 20 north, range 7 west; and one in township 20 north, range 26 west; and shall place in charge thereof three officers to each booth, who shall be detailed from the General Land Office. Said booths shall be open for the transaction of business on and after Monday, the 11th day of the month of September, A. D. 1893, from 7 a. m. to 12 m. and 1 p. m. to 6 p. m. each business day until the same shall be discontinued by the Secretary of the Interior, who is hereby authorized to discontinue the same at his discretion. Each party desiring to enter upon and occupy as a homestead any of the lands hereby opened to settlement will be required to first appear at one of the before-mentioned booths and make a declaration in writing, to be signed by the party in the presence of one of the officers in charge thereof, which shall be certified by such officer, according to the form hereto attached and made a part hereof marked A, showing his or her qualifications to make homestead entry for said lands, whereupon a certificate will be issued by the officers in charge of the booth to the party making the declaration, which shall be of the form hereto attached and made a part hereof marked D.

Where a party desires to file a soldier's declaratory statement in person, he will be required to make a declaration which shall be of the form hereto attached and made a part hereof marked B, the same to be made and subscribed before one of the officers in charge of the booth and certified by such officer, independently of the affidavit (Form 4–546) to be filed when he presents the certificate of Form D, there given him, to the district officers. Where a party desires to file a declaratory statement through an agent, it will be necessary for him previously to make the affidavit ordinarily required (Form 4–545) before some officer authorized to administer oaths and place the same in the hands of the agent, who, before being permitted to enter upon the lands to be opened in said outlet for the purpose of making the desired filing, will be required to appear before the officers in charge of some one of the booths, to present the said affidavit of the party authorizing him to act as such agent, and to make a declaration in writing, to be subscribed by him in the presence of one of such officers, which shall be certified by such officer, according to the form hereto attached and made a part hereof marked C, whereupon a certificate of Form D will be given him by said officer. The agent should be provided with affidavits of Form 4–545 made in duplicate—one for presentation to the officers in charge of the booth and the other for presentation to the district officers when formal filing is to be made.

Each party desiring to enter upon said lands for the purpose of settling upon a town lot will be required to first appear at one of the beforementioned booths and make a declaration in writing, to be signed by the party in the presence of one of the officers in charge thereof, which shall be certified by such officer, according to the form hereto attached and made a part hereof marked E, whereupon a certificate will be issued by the officers in charge of the booth to the party making the declaration, which shall be of the form hereto attached and made a part hereof marked F.

The said declarations made before the officers in charge shall be given consecutive numbers, beginning at No. 1 at each booth, and the certificate issued to the party making the declaration shall be given the same number as is given the declaration. The declaration shall be carefully preserved by the officers in charge of the booths, and when the booths are discontinued said declarations shall be transmitted, together with the duplicate affidavits (Form 4–545) hereinbefore required to be presented in case of agents proposing to act for soldiers in filing declaratory statements, to the General Land Office for filing as a part of the records pertaining to the disposal of said lands.

The certificate will be evidence only that the party named therein is permitted to go in upon the lands opened to settlement by this proclamation at the time specified herein, and the certificate of Form D must be surrendered when application to enter or file is presented to the district officers, and the party's right to make a filing, homestead entry, or settlement shall be passed upon by the district land officers at the proper time and in the usual manner. The holder of such certificate will be required when he makes his homestead affidavit, or, if a soldier or soldier's agent, when he files a declaratory statement at the district office, to allege under oath before the officers taking such homestead affidavit or to whom said declaratory statement is presented for filing that all the statements contained in the declaration made by him, upon which said certificate is based, are true in every particular, such oath to be added to affidavit of Form 4–102, as shown on form hereto attached and made a part hereof marked 102*d*.

After the hour and day hereinbefore named when said lands will be opened to settlement all parties holding such certificates (Form D or F) will be permitted to occupy or enter upon the lands so opened, and parties holding a certificate of Form D may initiate a homestead claim, either by settlement upon the land or by entry or filing at the proper district office; but no person not holding any such certificate shall be permitted to occupy or enter upon any of said lands until after the booths shall have been discontinued by direction of the Secretary of the Interior. Until then the officers of the United States are expressly charged to permit no party without a certificate to occupy or enter upon any of said lands.

The following rules and regulations have been prescribed by the Sec-

retary of the Interior, under the direction of the President, as provided by section 10 of said act of March 3, 1893, for the occupation and settlement of the lands hereby opened, to wit:

The thirteenth section of the act approved March 2, 1889, the act approved May 2, 1890, the second proviso of section 17 and the whole of section 18 of the act approved March 3, 1891, are by section 10 of the act of March 3, 1893, made applicable in disposing of the lands under said section 10, and said lands are thereby rendered subject to disposal under the homestead and town-site laws only, with certain modifications, which laws as so modified contain provisions substantially as follows:

1. Any party will be entitled to initiate a homestead claim to a tract of said lands who is over 21 years of age or the head of a family; who is a citizen of the United States or has declared his intention to become such; who has not exhausted his homestead right either by perfecting a homestead entry for 160 acres of land under any law, excepting what is known as the commuted provision of the homestead law contained in section 2301 of the United States Revised Statutes, or by making or commuting a homestead entry since March 2, 1889; who has not entered since August 30, 1890, under the land laws of the United States or filed upon a quantity of land agricultural in character and not mineral which with the tracts sought to be entered in any case would make more than 320 acres; who is not the owner in fee simple of 160 acres of land in any State or Territory, and who has not entered upon or occupied the lands hereby opened in violation of this the President's proclamation opening the same to settlement and entry. (See section 2289, U. S. Revised Statutes; act of March 2, 1889, 25 U. S. Statutes at Large, p. 854; section 13 of the act of March 2, 1889, 25 U. S. Statutes at Large, p. 1005; act of August 30, 1890, 26 U. S. Statutes at Large, p. 391; section 20, act of May 2, 1890, 26 U. S. Statutes at Large, p. 91, and section 10, act of March 3, 1893, 27 U. S. Statutes at Large, p. 640.)

2. Each entry shall be in a compact body, according to the rectangular subdivisions of the public surveys, and in a square form, as nearly as reasonably practicable consistently with such surveys; and no person shall be permitted to enter more than one quarter section in quantity of said lands. (See section 13, act of March 2, 1889, 25 U. S. Statutes at Large, p. 1005.)

3. Parties who own and reside upon land (not acquired by them under the homestead law) not amounting in quantity to a quarter section may, if otherwise qualified, enter other land lying contiguous to their own to an amount which shall not with the land already owned by them exceed in the aggregate 160 acres. (See section 2289, U. S. Revised Statutes.)

4. Any party who has made a homestead entry prior to March 2, 1889, for less than one quarter section of land and who still owns and occupies the land so entered may, if otherwise qualified, enter an additional tract of land lying contiguous to the land embraced in the original entry, which

shall not with the land first entered exceed in the aggregate 160 acres, but such additional entry will not be permitted, or if permitted will be canceled, if the original entry should fail for any reason prior to patent or should appear to be illegal or fraudulent. The final proof of residence and cultivation made on the original entry, together with the payment of the prescribed price for the land, will be sufficient to entitle the party to a final certificate for the land so entered without further proof. (See section 5 of the act of March 2, 1889, 25 U. S. Statutes at Large, p. 854.)

5. Parties who have complied with the conditions of the law with regard to a homestead entry for less than 160 acres of land made prior to March 2, 1889, and have had the final papers issued therefor, may, if otherwise qualified, make an additional entry, by legal subdivisions, of so much land as added to the quantity previously so entered shall not exceed 160 acres. Parties making entry under the provisions set forth in this paragraph will be required to reside upon and cultivate the land embraced therein for the prescribed period and to submit proof of residence and cultivation of a like character with that required in ordinary homestead entries before the issuance of a final certificate. (See section 6, act of March 2, 1889, 25 U. S. Statutes at Large, p. 854.)

6. Any officer, soldier, seaman, or marine who served for not less than ninety days in the Army or Navy of the United States during the War of the Rebellion and who was honorably discharged and has remained loyal to the Government, or, in case of his death, his widow, or, in case of her death or remarriage, his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, may, either in person or by agent, file a declaratory statement for a tract of land and have six months thereafter within which to make actual entry and commence residence and improvements upon the land. (See sections 2304, 2307, and 2309, U. S. Revised Statutes.)

7. Every person entitled under the preceding paragraph to enter a homestead who, or whose deceased husband or father, in case of the widow or minor children, may have prior to June 22, 1874, entered under the homestead laws a quantity of land less than 160 acres may, if otherwise qualified, enter so much land as when added to the quantity previously entered shall not exceed 160 acres; but the party must make affidavit that the entry is made for actual settlement and cultivation, and the proof of such settlement and cultivation prescribed by existing homestead laws and regulations thereunder will be required to be produced before the issue of final certificate. (See section 2306, U. S. Revised Statutes, and section 18 of the act of May 2, 1890, 26 U. S. Statutes at Large, p. 90.)

8. Parties may initiate claims under the homestead law either by settlement on the land or by entry at the district office. In the former case the party will have three months after settlement within which to file his application for the tract at the district office; in the latter case the party

will have six months after entry at that office within which to establish residence and begin improvements upon the land. (See sections 2290 and 2297, U. S. Revised Statutes, and section 3 of the act of May 14, 1880, 21 U. S. Statutes at Large, p. 140.)

9. The homestead affidavits required to be filed with the application must be executed before the register or receiver of the proper district land office (see section 2290, U. S. Revised Statutes) or before any other officer who may be found duly qualified at the time to administer such oaths, according to the provisions of the act of Congress of May 26, 1890 (26 U. S. Statutes at Large, p. 121).

10. Parties applying to make homestead entry will be required to tender with the application the legal fee and commissions, which are as follows: For an entry of over 80 acres a fee of $10, and for an entry of 80 acres or less a fee of $5, and in both cases, in addition, commissions of 2 per cent upon the Government price of the land, computed at the rate of $1.25 per acre, the ordinary minimum price of public lands under the general provisions of section 2357, United States Revised Statutes. (See sections 2238 and 2290, U. S. Revised Statutes.)

11. Homestead applicants appearing in great number at the local office to make entry at the time of opening will be required to form in line, in order that their applications may be presented and acted upon in regular order.

12. Soldiers' declaratory statements can only be made by the parties entitled or by their agents in person, and will not be received if sent by mail. A party acting as agent and appearing in line, as contemplated under the eleventh paragraph, will be allowed to make one entry or filing in his individual character, if he so desires, and to file one declaratory statement in his representative character as agent, if such he shall be, and thereupon he will be required to step out of line, giving place to the next person in order, and, if he desires to make any other filings, to take his place at the end of the line and await his proper turn before doing so, and thus to proceed in order until all the filings desired by him shall be made.

13. Section 2301 of the Revised Statutes of the United States, providing for commutation of homestead entries, is not applicable to said lands. (See section 18 of the act of May 2, 1890, 26 U. S. Statutes at Large, p. 90.)

14. Proof of five years' residence, cultivation, and improvement and the payment prescribed by the statute, as hereinbefore mentioned, must be made before a party will be entitled to a patent under the homestead law, and such proof is required to be made within seven years from the date of the entry. Commissions equal to 2 per cent upon the Government price for the land, computed at $1.25 per acre, under section 2357, United States Revised Statutes, must also be tendered with the final proof. Interest at 4 per cent per annum on the purchase price of the land must

be paid from the date of the entry to date of final payment of purchase money. (See sections 2238 and 2291, U. S. Revised Statutes, and sections 10 and 13 of the act of March 3, 1893, 27 U. S. Statutes at Large, p. 640.)

15. The parties named in paragraph 6 of these regulations are entitled to have the term of service in the Army or Navy under which the claim is made, not exceeding four years, deducted from the period of five years' residence or cultivation required as stated in the preceding paragraph, or, if the party was discharged from service on account of wounds or disabilities incurred in the line of duty, the whole term of enlistment, not exceeding four years, may be deducted. (See section 2305, U. S. Revised Statutes.)

16. Where a homestead settler dies before the consummation of his claim, the widow, or, in case of her death, the heirs or devisee, may continue settlement or cultivation and obtain title upon requisite proof at the proper time. If the widow proves up, title will pass to her; if she dies before proving up and the heirs or devisee make the proof, the title will vest in them, respectively. (See section 2291, U. S. Revised Statutes.)

17. Where both parents die, leaving infant children, the homestead may be sold for cash for the benefit of such children, and the purchaser will receive title from the United States. (See section 2292, U. S. Revised Statutes.)

18. In case of the death of a person after having entered a homestead the failure of the widow, children, or devisee of the deceased to fulfill the demands of the letter of the law as to residence on the lands will not necessarily subject the entry to forfeiture on the ground of abandonment. If the land is cultivated in good faith, the law will be considered as having been substantially complied with.

19. Town-site claims may be initiated upon said lands under the statutes by two methods, which are separate and distinct in character. The regulations under the first method are hereinafter set forth in paragraphs 20, 21, and 22, and under the second method in paragraphs 23 to 28, inclusive. Provision is further made for town-site entries in cases where lands entered under the homestead law are required for town-site purposes, as set forth in paragraph 30.

20. Parties having founded or who desire to found a city or town on the public lands must file with the recorder of the county in which land is situate a plat thereof, describing the exterior boundaries of the land according to the lines of public surveys. Such plat must state the name of the city or town, exhibit the streets, squares, blocks, lots, and alleys, and specify the size of the same, with measurements and area of each municipal subdivision the lots in which shall not exceed 4,200 square feet, with a statement of the extent and general character of the improvements. The plat and statement must be verified by the oath of the party, acting for and in behalf of the occupants and inhabitants of the town or

city. Within one month after filing the plat with the recorder of the county a verified copy of said plat and statement must be sent to the General Land Office, accompanied by the testimony of two witnesses that such town or city has been established in good faith, and a similar map and statement must be filed with the register and receiver of the proper district office. Thereafter the President may cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder, subject to a minimum of $10 for each lot; and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at such minimum or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property. Any actual settler upon any lot and upon any additional lot upon which he may have substantial improvements shall be entitled to prove up and purchase the same as a preemption, at such minimum, at any time before the day fixed for the public sale. (See section 2382, U. S. Revised Statutes.)

21. In case the parties interested shall fail or refuse within twelve months after founding a city or town to file in the General Land Office a transcript map, with the statement and testimony, as required in paragraph 20, the Secretary of the Interior may cause a survey and plat to be made of said city or town, and thereafter the lots will be sold at an increase of 50 per cent on the minimum price of $10 per lot. (See section 2384, U. S. Revised Statutes.)

22. When lots vary in size from the limitation of 4,200 square feet and the lots, buildings, and improvements cover an area greater than 640 acres, such variance as to size of lots or excess in area will prove no bar to entry, but the price of the lots may be increased to such reasonable amount as the Secretary of the Interior may by rule establish. (See section 2385, U. S. Revised Statutes.)

23. Under the second method lands actually settled upon and occupied as a town site, and therefore not subject to entry under the homestead laws, may be entered as a town site at the proper district land office. (See section 2387, U. S. Revised Statutes.)

24. If the town is incorporated, the entry may be made by the corporate authorities thereof through the mayor or other principal officer duly authorized so to do. If the town is not incorporated, the entry may be made by the judge of the county court for the county in which said town is situated. In either case the entry must be made in trust for the use and benefit of the occupants thereof according to their respective interests. The execution of such trust as to the disposal of lots and the proceeds of sales is to be conducted under regulations prescribed by the territorial laws. Acts of trustees not in accordance with such regulations are void. (See sections 2387 and 2391, U. S. Revised Statutes.)

25. The officer authorized to enter a town site may make entry at once,

or he may initiate an entry by filing a declaratory statement of the purpose of the inhabitants to make a town-site entry of the land described. The entry or declaratory statement shall include only such land as is actually occupied by the town and the title to which is in the United States, and its exterior limits must conform to the legal subdivisions of the public lands. (See sections 2388 and 2389, U. S. Revised Statutes.)

26. The amount of land that may be entered under this method is proportionate to the number of inhabitants. One hundred and less than 200 inhabitants may enter not to exceed 320 acres; 200 and less than 1,000 inhabitants may enter not to exceed 640 acres; and where the inhabitants number 1,000 and over an amount not to exceed 1,280 acres may be entered, and for each additional 1,000 inhabitants, not to exceed 5,000 in all, a further amount of 320 acres may be allowed. When the number of inhabitants of a town is less than 100, the town site shall be restricted to the land actually occupied for town purposes by legal subdivisions. (See section 2389, U. S. Revised Statutes.)

27. Where an entry is made of less than the maximum quantity of land allowed for town-site purposes, additional entries may be made of contiguous tracts occupied for town purposes which when added to the previous entry or entries will not exceed 2,560 acres; but no additional entry can be allowed which will make the total area exceed the area to which the town may be entitled by virtue of its population at date of additional entry. (See section 4 of the act of March 3, 1877, 19 U. S. Statutes at Large, p. 392.)

28. The land must be paid for at the Government price per acre, and proof must be furnished relating, first, to municipal occupation of the land; second, number of inhabitants; third, extent and value of town improvements; fourth, date when land was first used for town-site purposes; fifth, official character and authority of officer making entry; sixth, if an incorporated town, proof of incorporation, which should be a certified copy of the act of incorporation, and, seventh, that a majority of the occupants or owners of the lots within the town desire that such action be taken. Thirty days' publication of notice of intention to make proof must be made and proof of publication furnished. (See section 2387, U. S. Revised Statutes.)

29. All surveys for town sites on said lands shall contain reservations for parks (of substantially equal area if more than one park) and for schools and other public purposes, embracing in the aggregate not less than 10 nor more than 20 acres, and patents for such reservations, to be maintained for such purposes, will be issued to the towns respectively when organized as municipalities. (See section 22, act of May 2, 1890, 26 U. S. Statutes at Large, p. 92.)

30. In case any of said lands which may be entered under the homestead laws by a person who is entitled to perfect his title thereto under such laws are required for town-site purposes, the entryman may apply

to the Secretary of the Interior to purchase the lands embraced in said homestead, or any part thereof not less than a legal subdivision, for townsite purposes. The party must file in the district office with his application a plat of the proposed town site and evidence of his qualifications to perfect title under the homestead law and of his compliance with all the requirements of the law and the instructions thereunder, and must deposit with the Secretary of the Interior the sum of $10 per acre for all the lands embraced in such town site, except the lands to be donated and maintained for public purposes as mentioned in the preceding paragraph. (See section 22, act of May 2, 1890, 26 U. S. Statutes at Large, p. 92.)

Notice, moreover, is hereby given that it is by law enacted that no person shall be permitted to occupy or enter upon any of the lands herein referred to except in the manner prescribed by this proclamation, and any person otherwise occupying or entering upon any of said lands shall forfeit all right to acquire any of said lands, and that the officers of the United States will be required to enforce this provision.

And further notice is hereby given that four land districts have been established in Oklahoma Territory, with boundaries as follows:

The Perry district, bounded and described as follows: Beginning at the middle of the main channel of the Arkansas River where the same is intersected by the northern boundary of Oklahoma Territory; thence west to the northwest corner of township 29 north, range 2 west of the Indian meridian; thence south on the range line between ranges 2 and 3 west to the southwest corner of lot 3 of section 31, township 20 north, range 2 west; thence east to the southeast corner of lot 4 of section 36, township 20 north, range 4 east; thence south on the range line between ranges 4 and 5 east to the middle of the main channel of the Cimarron River; thence down said river, in the middle of the main channel thereof, to the western boundary of the Creek country; thence north to the northwest corner of the Creek country; thence east on the northern boundary of said Creek country to the middle of the main channel of the Arkansas River; thence up said river, in the middle of the main channel thereof, to the place of beginning; the local land office of which will be located at the town of Perry, in County P.

The Enid district, bounded and described as follows: Beginning at the northeast corner of township 29 north, range 3 west of the Indian meridian; thence west to the northwest corner of township 29 north, range 8 west; thence south on the range line between ranges 8 and 9 west to the southwest corner of lot 3 of section 31, township 20 north, range 8 west; thence east to the southeast corner of lot 4 of section 36, township 20 north, range 3 west; thence north on the range line between ranges 2 and 3 west to the place of beginning; the local land office of which will be located at the town of Enid, in County O.

The Alva district, bounded and described as follows: Beginning at the northeast corner of township 29 north, range 9 west of the Indian

meridian; thence west to the northwest corner of township 29 north, range 16 west; thence south on the range line between ranges 16 and 17 west to the southwest corner of lot 3 of section 31, township 20 north, range 16 west; thence east to the southeast corner of lot 4 of section 36, township 20 north, range 9 west; thence north on the range line between ranges 8 and 9 west to the place of beginning; the local land office of which will be located at the town of Alva, in County M.

The Woodward land district, bounded and described as follows: Beginning at the northeast corner of township 29 north, range 17 west of the Indian meridian; thence west to the northwest corner of township 29 north, range 26 west; thence south to the southwest corner of lot 3 of section 32, township 20 north, range 26 west; thence east to the south east corner of lot 4 of section 36, township 20 north, range 17 west; thence north on the range line between ranges 16 and 17 west to the place of beginning; the local land office of which will be located at the town of Woodward, in County N.

And further notice is hereby given that the line of 97½° west longitude, named herein for the purpose of disposing of the land hereby opened to settlement, is held to fall on the west line of sections 2, 11, 14, 23, 26, and 35 of the townships in range 3 west of the Indian meridian, and the line of 98½° of west longitude is held to fall on the line running due north and south through the centers of sections 4, 9, 16, 21, 28, and 33 of the townships in range 12 west of the Indian meridian, and said lines have been so laid down upon the township plats on file in the General Land Office.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 19th day of August, A. D. 1893, and of the Independence of the United States the one hundred and eighteenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM,

Secretary of State.

A.

DECLARATION REQUIRED BY PRESIDENT'S PROCLAMATION OF AUGUST 19, 1893, PREPARATORY TO OCCUPYING OR ENTERING UPON THE LANDS OF THE CHEROKEE OUTLET FOR THE PURPOSE OF MAKING A HOMESTEAD ENTRY.

No. ——.

BOOTH IN T. —— N., R. ——, ——, *1893*.

I, ——, of ——, being desirous of occupying or entering upon the lands opened to settlement by the President's proclamation of August 19, 1893, for the purpose of making a homestead entry, do solemnly declare that I am over 21 years of age or the head of a family; that I am a citizen of the United States (or have declared my intention to become such); that I have not perfected a homestead entry for 160 acres of land under any law except what is known as the commuted provision of the

homestead law contained in section 2301, Revised Statutes, nor have I made or commuted a homestead entry since March 2, 1889;* ——— that I have not entered since August 30, 1890, under the land laws of the United States or filed upon a quantity of land agricultural in character and not mineral which with the tracts now desired would make more than 320 acres; that I am not the owner in fee simple of 160 acres of land in any State or Territory; that I have not entered upon or occupied, nor will I enter upon or occupy, the lands to be opened to settlement by the President's proclamation of August 19, 1893, in violation of the requirements of said proclamation; that I desire to make entry for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation; that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land I may select; that I am not acting as agent of any person, corporation, or syndicate in entering upon said lands, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land I may enter, or any part thereof, or the timber thereon; that I do not apply to enter upon said lands for the purpose of speculation, but in good faith to obtain a home for myself; and that I have not, directly or indirectly, made and will not make any agreement or contract in any way or manner with any person or persons, corporation, or syndicate whatsoever by which the title which I may acquire from the Government of the United States should inure in whole or in part to the benefit of any person except myself.

——— ———.

I certify that the foregoing declaration was made and subscribed before me this —— day of ———, 1893.

——— ———, *Officer in Charge.*

*NOTE.—If the party has made a homestead entry since March 2, 1889, but has failed or is unable to perfect title to the land covered thereby because of a valid adverse claim or other invalidity existing at the date of its inception, strike out the words "made or" and insert in the blank space *that I have made a homestead entry since March 2, 1889, but have failed or am unable to perfect title to the land covered thereby because of a valid adverse claim or other invalidity existing at the date of its inception.*

B.

DECLARATION REQUIRED BY PRESIDENT'S PROCLAMATION OF AUGUST 19, 1893, PREPARATORY TO OCCUPYING OR ENTERING UPON THE LANDS OF THE CHEROKEE OUTLET FOR THE PURPOSE OF FILING A SOLDIER'S DECLARATORY STATEMENT IN PERSON.

No. ——.

BOOTH IN T. ——— N., R. ———, ———, *1893.*

I, ———, of ——— County and State or Territory of ———, do solemnly declare that I served for a period of ——— in the Army of the United States during the War of the Rebellion and was honorably discharged therefrom, as shown by a statement of such service herewith, and that I have remained loyal to the Government; that I have not perfected a homestead entry for 160 acres of land under any law except what is known as the commuted provision of the homestead law contained in section 2301, Revised Statutes, nor have I filed a declaratory statement under sections 2304 and 2309 of the Revised Statutes or made or commuted a homestead entry since March 2, 1889;* ——— that I have not entered since August 30, 1890, under the land laws of the United States or filed upon a quantity of land agricultural in character and not mineral which with the tracts now desired would make more than 320 acres; that I am not the owner in fee simple of 160 acres of land in any State or Territory; that I have not entered upon or occupied, nor will I enter upon or occupy, the lands to be opened to settlement by the President's proclamation of August 19, 1893, in violation of said proclamation; that I intend to file a soldier's declaratory statement

upon said lands, which location will be made for my exclusive use and benefit, for the purpose of my actual settlement and cultivation, and not, either directly or indirectly, for the use and benefit of any other person.

——— ———.

I certify that the foregoing declaration was made and subscribed before me this —— day of ———, 1893.

——— ———, *Officer in Charge.*

*NOTE.—If the party has made an entry or filing since March 2, 1889, to which he is unable to perfect title because of a valid adverse claim or other invalidity existing at the date of its inception, strike out the words "filed a declaratory statement under sections 2304 and 2309 of the Revised Statutes or made or" and insert in the blank space *that I have made an entry or filing since March 2, 1889, but have failed or am unable to perfect title to the land covered thereby because of a valid adverse claim or other invalidity existing at the date of its inception.*

C.

DECLARATION REQUIRED BY PRESIDENT'S PROCLAMATION OF AUGUST 19, 1893, PREPARATORY TO ENTERING UPON THE LANDS OF THE CHEROKEE OUTLET FOR THE PURPOSE OF FILING A SOLDIER'S DECLARATORY STATEMENT AS AGENT.

No. ——.

BOOTH IN T. ——— N., R. ———, ———, *1893.*

I, ———, of ———, desiring to enter upon the Cherokee Outlet for the purpose of filing a soldier's declaratory statement under sections 2304 and 2309, United States Revised Statutes, as agent of ———, do hereby declare that I have no interest or authority in the matter, present or prospective, beyond the filing of such declaratory statement as the true and lawful attorney of the said ——— as provided by said sections 2304 and 2309.

——— ———.

I certify that the foregoing declaration was made and subscribed before me this —— day of ———, 1893.

——— ———, *Officer in Charge.*

D.

CERTIFICATE THAT MUST BE HELD BY PARTY DESIRING TO OCCUPY OR TO ENTER UPON THE LANDS OPENED TO SETTLEMENT BY THE PRESIDENT'S PROCLAMATION OF AUGUST 19, 1893, FOR THE PURPOSE OF MAKING A HOMESTEAD ENTRY OR FILING A SOLDIER'S DECLARATORY STATEMENT.

No. ——.

BOOTH IN T. ——— N., R. ———, ———, *1893.*

This certifies that ——— has this day made the declaration before me required by the President's proclamation of August 19, 1893, and he is therefore permitted to go in upon the lands opened to settlement by said proclamation at the time named therein for the purpose of making a homestead entry or filing a soldier's declaratory statement.

It is agreed and understood that this certificate will not prevent the district land officers from passing upon the holder's qualifications to enter or file for any of said lands at the proper time and in the usual manner, and that the holder will be required when he makes his homestead affidavit, or, if a soldier or a soldier's agent, when he files a declaratory statement at the district office, to allege under oath before the officer taking such homestead affidavit or to whom said declaratory statement is presented for filing that all of the statements contained in the declaration made by him, upon which this certificate is based, are true in every particular.

——— ———, *Officer in Charge.*

This certificate is not transferable. The holder will display the certificate, if demanded, after locating on claim.

E.

DECLARATION REQUIRED BY PRESIDENT'S PROCLAMATION OF AUGUST 19, 1893, PREPARATORY TO OCCUPYING OR ENTERING UPON THE LANDS OF THE CHEROKEE OUTLET FOR THE PURPOSE OF SETTLING UPON A TOWN LOT.

No. ——.

BOOTH IN T. —— N., R. ——, ——, *1893*.

I, ——, of ——, being desirous of occupying or entering upon lands opened to settlement by the President's proclamation of August 19, 1893, do solemnly declare that I have not entered upon or occupied, nor will I enter upon or occupy, any of the lands to be opened to settlement by the President's proclamation of August 19, 1893, in violation of the requirements of said proclamation, and that I desire to go in upon said lands for the purpose of settling upon a town lot.

—— ——.

I certify that the foregoing declaration was made and subscribed before me this —— day of ——, 1893.

—— ——, *Officer in Charge.*

F.

CERTIFICATE THAT MUST BE HELD BY PARTY DESIRING TO OCCUPY OR ENTER UPON THE LANDS OPENED TO SETTLEMENT BY THE PRESIDENT'S PROCLAMATION OF AUGUST 19, 1893, FOR THE PURPOSE OF SETTLING UPON A TOWN LOT.

No. ——.

BOOTH IN T. —— N., R. ——, ——, *1893*.

This certifies that —— has this day made the declaration before me required by the President's proclamation of August 19, 1893, and he is therefore permitted to go in upon the lands opened to settlement by said proclamation at the time named therein for the purpose of settling upon a town lot.

—— ——, *Officer in Charge.*

This certificate is not transferable. The holder will display the certificate, if demanded, after locating on claim.

4–102*d*.

AFFIDAVIT.

LAND OFFICE AT ——, ——, *1893*.

I, ——, of ——, applying to enter (or file for) a homestead, do solemnly swear that I did not enter upon and occupy any portion of the lands described and declared open to entry in the President's proclamation dated August 19, 1893, prior to 12 o'clock noon of September 16, 1893; also that all of the statements contained in a certain declaration made by me as foundation for obtaining permission to enter upon the Cherokee Outlet in pursuance of requirements of the President's proclamation opening said outlet to settlement are true in every particular.

—— ——.

Sworn to and subscribed before me this —— day of ——, 189—.

—— ——.

NOTE.—This affidavit must be made before the register or receiver of the proper district land office or before some officer authorized to administer oaths and using a seal.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public

lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the public lands in the State of Oregon within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Grover Cleveland, President of the United States, by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of Oregon and particularly described as follows, to wit:

Beginning at the meander corner at the intersection of the range line between ranges six (6) and seven (7) east, township two (2) north, Willamette meridian, Oregon, with the mean high-water mark on the south bank of the Columbia River in said State; thence northeasterly along said mean high-water mark to its intersection with the township line between townships two (2) and three (3) north; thence easterly along said township line to the northeast corner of township two (2) north, range eight (8) east; thence southerly along the range line between ranges eight (8) and nine (9) east to the southwest corner of township two (2) north, range nine (9) east; thence westerly along the township line between townships one (1) and two (2) north to the northwest corner of township one (1) north, range nine (9) east; thence southerly along the range line between ranges eight (8) and nine (9) east to the southwest corner of township one (1) north, range nine (9) east; thence easterly along the base line to the northeast corner of township one (1) south, range ten (10) east; thence southerly along the range line between ranges ten (10) and eleven (11) east to the southeast corner of township four (4) south, range ten (10) east; thence westerly along the township line between townships four (4) and five (5) south to the southwest corner of township four (4) south, range nine (9) east; thence southerly along the west boundary of township five (5) south, range nine (9) east, to its intersection with the west boundary of the Warm Springs Indian Reservation; thence southwesterly along said Indian-reservation boundary to the southwest corner of said reservation; thence southeasterly along the south boundary of said Indian reservation to a point on the north line of section three (3), township twelve (12) south, range nine (9) east, where said boundary crosses the township line between townships eleven (11) and twelve (12) south, range nine (9) east; thence easterly to the northeast corner of township twelve (12) south, range nine (9) east; thence southerly along the range line between ranges nine (9) and ten (10) east to the southeast corner of township thirteen (13) south, range nine (9) east; thence westerly along the third (3d) standard parallel south to the northeast corner of township

fourteen (14) south, range nine (9) east; thence southerly along the range line between ranges nine (9) and ten (10) east to the southeast corner of township fifteen (15) south, range nine (9) east; thence easterly along the third (3d) standard parallel south to the northeast corner of township sixteen (16) south, range nine (9) east; thence southerly along the range line between ranges nine (9) and ten (10) east to the southeast corner of township twenty (20) south, range nine (9) east; thence easterly along the fourth (4th) standard parallel south to the northeast corner of township twenty-one (21) south, range nine (9) east; thence southerly along the range line between ranges nine (9) and ten (10) east to the southeast corner of township twenty-three (23) south, range nine (9) east; thence westerly along the township line between townships twenty-three (23) and twenty-four (24) south to the southeast corner of township twenty-three (23) south, range six (6) east; thence southerly along the range line between ranges six (6) and seven (7) east to the southwest corner of township twenty-five (25) south, range seven (7) east; thence westerly along the fifth (5th) standard parallel south to the point for the northwest corner of township twenty-six (26) south, range seven (7) east; thence southerly along the surveyed and unsurveyed west boundaries of townships twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), and thirty (30) south to the southwest corner of township thirty (30) south, range seven (7) east; thence westerly along the unsurveyed sixth (6th) standard parallel south to the point for the northwest corner of township thirty-one (31) south, range seven and one-half (7½) east; thence southerly along the surveyed and unsurveyed west boundaries of townships thirty-one (31), thirty-two (32), and thirty-three (33) south, range seven and one-half (7½) east, to the southwest corner of township thirty-three (33) south, range seven and one-half (7½) east; thence easterly along the township line between townships thirty-three (33) and thirty-four (34) south to the northeast corner of township thirty-four (34) south, range six (6) east; thence southerly along the east boundaries of townships thirty-four (34) and thirty-five (35) south, range six (6) east, to the point of intersection of the east boundary of township thirty-five (35) south, range six (6) east, with the west shore of Upper Klamath Lake; thence along said shore of said lake to its intersection with the range line between ranges six (6) and seven (7) east in township thirty-six (36) south; thence southerly along the range line between ranges six (6) and seven (7) east to the southeast corner of township thirty-seven (37) south, range six (6) east; thence westerly along the township line between townships thirty-seven (37) and thirty-eight (38) south to the southwest corner of township thirty-seven (37) south, range four (4) east; thence northerly along the range line between ranges three (3) and four (4) east to the northwest corner of township thirty-six (36) south, range four (4) east; thence easterly along the eighth (8th) standard parallel south to the southwest corner

of township thirty-five (35) south, range four (4) east; thence northerly along the range line between ranges three (3) and four (4) east to the southwest corner of township thirty-one (31) south, range four (4) east; thence westerly along the township line between townships thirty-one (31) and thirty-two (32) south to the southwest corner of township thirty-one (31) south, range one (1) east; thence northerly along the surveyed and unsurveyed Willamette meridian to the northwest corner of township twenty (20) south, range one (1) east; thence easterly along the township line between townships nineteen (19) and twenty (20) south to the northeast corner of township twenty (20) south, range one (1) east; thence northerly along the range line between ranges one (1) and two (2) east to the northwest corner of township eighteen (18) south, range two (2) east; thence easterly along the township line between townships seventeen (17) and eighteen (18) south to the southeast corner of township seventeen (17) south, range two (2) east; thence northerly along the range line between ranges two (2) and three (3) east to the southwest corner of township seventeen (17) south, range three (3) east; thence easterly along the surveyed and unsurveyed township line between townships seventeen (17) and eighteen (18) south to the point for the southeast corner of township seventeen (17) south, range four (4) east; thence northerly along the surveyed and unsurveyed range line between ranges four (4) and five (5) east, subject to the proper easterly or westerly offsets on the third (3d), second (2d), and first (1st) standard parallels south, to the northwest corner of township five (5) south, range five (5) east; thence easterly along the township line between townships four (4) and five (5) south to the southeast corner of township four (4) south, range six (6) east; thence northerly along the range line between ranges six (6) and seven (7) east to the northwest corner of township four (4) south, range seven (7) east; thence easterly along the township line between townships three (3) and four (4) south to the southwest corner of section thirty-four (34), township three (3) south, range seven (7) east; thence northerly along the surveyed and unsurveyed section line between sections thirty-three (33) and thirty-four (34), twenty-seven (27) and twenty-eight (28), twenty-one (21) and twenty-two (22), fifteen (15) and sixteen (16), nine (9) and ten (10), and three (3) and four (4) to the northwest corner of section three (3) of said township and range; thence easterly along the surveyed and unsurveyed township line between townships two (2) and three (3) south to the point for the southeast corner of township two (2) south, range eight (8) east; thence northerly along the unsurveyed range line between ranges eight (8) and nine (9) east to the southeast corner of township one (1) south, range eight (8) east; thence westerly along the township line between townships one (1) and two (2) south to the southeast corner of section thirty-four (34), township one (1) south, range eight (8) east; thence northerly along the section line between sections thirty-four (34) and thirty-five (35), twenty six (26) and twenty-seven (27), and twenty-two (22) and twenty-three (23) to the northeast corner of section twenty-two (22); thence westerly

along the section line between sections fifteen (15) and twenty-two (22) to the southeast corner of section sixteen (16); thence northerly on the section line between sections fifteen (15) and sixteen (16) to the point for the northeast corner of section sixteen (16); thence westerly along the section line between sections nine (9) and sixteen (16) to the southeast corner of section eight (8); thence northerly along the section line between sections eight (8) and nine (9) and four (4) and five (5) to the northwest corner of section four (4), township one (1) south, range eight (8) east; thence easterly along the base line to the southeast corner of section thirty-three (33), township one (1) north, range eight (8) east; thence along the unsurveyed section lines northerly to the point for the northeast corner of section thirty-three (33), westerly to the point for the northeast corner of section thirty-two (32), northerly to the point for the northeast corner of section eight (8), westerly to the point for the southwest corner of section six (6); thence northerly along the unsurveyed range line between ranges seven (7) and eight (8) east to the point for the northwest corner of township one (1) north, range eight (8) east; thence westerly along the unsurveyed township line between townships one (1) and two (2) north to the northwest corner of township one (1) north, range seven (7) east; thence northerly along the surveyed and unsurveyed range line between ranges six (6) and seven (7) east to the meander corner at its intersection with the mean high-water mark on the south bank of the Columbia River, the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing of record has not expired, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 28th day of September, A. D. 1893, and of the Independence of the United States the one hundred and eighteenth.

GROVER CLEVELAND.

By the President:

ALVEY A. ADEE,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes"—

That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

And whereas the public lands in the State of Oregon within the limits hereinafter described are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, Grover Cleveland, President of the United States, by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of Oregon and within the boundaries particularly described as follows, to wit:

Beginning at the northeast corner of section twenty-seven (27), township thirty-nine (39) south, range one (1) east, Willamette meridian; thence westerly along the surveyed and unsurveyed section line to the northwest corner of section twenty-five (25), township thirty-nine (39) south, range one (1) west; thence southerly along the section line to the southwest corner of section thirty-six (36), said township and range; thence westerly along the ninth (9th) standard parallel south to the northwest corner of section one (1), township forty (40) south, range one (1) west; thence southerly along the section line to the southwest corner of section thirteen (13), said township and range; thence easterly along the surveyed and unsurveyed section line to the point for the southeast corner of section fourteen (14), township forty (40) south, range one (1) east; thence northerly along the surveyed and unsurveyed section line to the northeast corner of section thirty-five (35), township thirty-nine (39) south, range one (1) east; thence westerly to the northwest corner of said section thirty-five (35); thence northerly to the northeast corner of section twenty-seven (27), said township and range, the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been prior to the date hereof embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law and the statutory period within which to make entry or filing

of record has not expired, and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith.

Provided, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 28th day of September, A. D. 1893, and of the Independence of the United States the one hundred and eighteenth.

GROVER CLEVELAND.

By the President:

ALVEY A. ADEE, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

While the American people should every day remember with praise and thanksgiving the divine goodness and mercy which have followed them since their beginning as a nation, it is fitting that one day in each year should be especially devoted to the contemplation of the blessings we have received from the hand of God and to the grateful acknowledgment of His loving kindness.

Therefore, I, Grover Cleveland, President of the United States, do hereby designate and set apart Thursday, the 30th day of the present month of November, as a day of thanksgiving and praise to be kept and observed by all the people of our land. On that day let us forego our ordinary work and employments and assemble in our usual places of worship, where we may recall all that God has done for us and where from grateful hearts our united tribute of praise and song may reach the Throne of Grace. Let the reunion of kindred and the social meeting of friends lend cheer and enjoyment to the day, and let generous gifts of charity for the relief of the poor and needy prove the sincerity of our thanksgiving.

Witness my hand and the seal of the United States, which I have caused to be hereto affixed.

[SEAL.] Done at the city of Washington on the 3d day of November, A. D. 1893, and of the Independence of the United States the one hundred and eighteenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM, *Secretary of State.*

EXECUTIVE ORDER.

AMENDMENTS OF CIVIL-SERVICE RULES.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

Clause 2 of Departmental Rule VIII is hereby amended by inserting after the letter "*d*" in parentheses in line 2 the following: "until after absolute appointment and," and by striking out all after the word "transferred" in line 4 to and including the word "made" in line 7; so that as amended the clause will read:

2. No person may be transferred as herein authorized, except as provided in section 1, clause (*d*), until after absolute appointment and until the Commission shall have certified to the officer making the transfer requisition that the person whom it is proposed to transfer has passed an examination to test fitness for the place to which he is to be transferred: *Provided*, That no person who has been appointed from the copyist register shall be transferred to a place the salary of which is more than $900 per annum until one year after appointment.

EXECUTIVE MANSION,
Washington, August 19, 1893.

The above amendments to clause 2 of Departmental Rule VIII and said rule as so amended are hereby approved.

GROVER CLEVELAND.

FIRST ANNUAL MESSAGE.

EXECUTIVE MANSION,
Washington, December 4, 1893.

To the Congress of the United States:

The constitutional duty which requires the President from time to time to give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient is fittingly entered upon by commending to the Congress a careful examination of the detailed statements and well-supported recommendations contained in the reports of the heads of Departments, who are chiefly charged with the executive work of the Government. In an effort to abridge this communication as much as is consistent with its purpose I shall supplement a brief reference to the contents of these departmental reports by the mention of such executive business and incidents as are not embraced therein and by such recommendations as appear to be at this particular time appropriate.

While our foreign relations have not at all times during the past year been entirely free from perplexity, no embarrassing situation remains that will not yield to the spirit of fairness and love of justice which

SENATE OFFICE BUILDING.—By Act of Congress, March 3, 1903, this building was ordered built. The same has just about been completed (1909). It is an elegant structure as the illustration indicates. It has an underground tunnel connecting with the Capitol, the same provided with an automobile to convey the Senators to and from.

Senate Office Building

joined with consistent firmness, characterize a truly American foreign policy.

My predecessor having accepted the office of arbitrator of the long-standing Missions boundary dispute, tendered to the President by the Argentine Republic and Brazil, it has been my agreeable duty to receive the special envoys commissioned by those States to lay before me evidence and arguments in behalf of their respective Governments.

The outbreak of domestic hostilities in the Republic of Brazil found the United States alert to watch the interests of our citizens in that country, with which we carry on important commerce. Several vessels of our new Navy are now and for some time have been stationed at Rio de Janeiro. The struggle being between the established Government, which controls the machinery of administration, and with which we maintain friendly relations, and certain officers of the navy employing the vessels of their command in an attack upon the national capital and chief seaport, and lacking as it does the elements of divided administration, I have failed to see that the insurgents can reasonably claim recognition as belligerents.

Thus far the position of our Government has been that of an attentive but impartial observer of the unfortunate conflict. Emphasizing our fixed policy of impartial neutrality in such a condition of affairs as now exists, I deemed it necessary to disavow in a manner not to be misunderstood the unauthorized action of our late naval commander in those waters in saluting the revolted Brazilian admiral, being indisposed to countenance an act calculated to give gratuitous sanction to the local insurrection.

The convention between our Government and Chile having for its object the settlement and adjustment of the demand of the two countries against each other has been made effective by the organization of the claims commission provided for. The two Governments failing to agree upon the third member of the commission, the good offices of the President of the Swiss Republic were invoked, as provided in the treaty, and the selection of the Swiss representative in this country to complete the organization was gratifying alike to the United States and Chile.

The vexatious question of so-called legation asylum for offenders against the state and its laws was presented anew in Chile by the unauthorized action of the late United States minister in receiving into his official residence two persons who had just failed in an attempt at revolution and against whom criminal charges were pending growing out of a former abortive disturbance. The doctrine of asylum as applied to this case is not sanctioned by the best precedents, and when allowed tends to encourage sedition and strife. Under no circumstances can the representatives of this Government be permitted, under the ill-defined fiction of extraterritoriality, to interrupt the administration of criminal justice in the countries to which they are accredited. A temperate

demand having been made by the Chilean Government for the correction of this conduct in the instance mentioned, the minister was instructed no longer to harbor the offenders.

The legislation of last year known as the Geary law, requiring the registration of all Chinese laborers entitled to residence in the United States and the deportation of all not complying with the provisions of the act within the time prescribed, met with much opposition from Chinamen in this country. Acting upon the advice of eminent counsel that the law was unconstitutional, the great mass of Chinese laborers, pending judicial inquiry as to its validity, in good faith declined to apply for the certificates required by its provisions. A test case upon proceeding by *habeas corpus* was brought before the Supreme Court, and on May 15, 1893, a decision was made by that tribunal sustaining the law.

It is believed that under the recent amendment of the act extending the time for registration the Chinese laborers thereto entitled who desire to reside in this country will now avail themselves of the renewed privilege thus afforded of establishing by lawful procedure their right to remain, and that thereby the necessity of enforced deportation may to a great degree be avoided.

It has devolved upon the United States minister at Peking, as dean of the diplomatic body, and in the absence of a representative of Sweden and Norway, to press upon the Chinese Government reparation for the recent murder of Swedish missionaries at Sung-pu. This question is of vital interest to all countries whose citizens engage in missionary work in the interior.

By Article XII of the general act of Brussels, signed July 2, 1890, for the suppression of the slave trade and the restriction of certain injurious commerce in the Independent State of the Kongo and in the adjacent zone of central Africa, the United States and the other signatory powers agreed to adopt appropriate means for the punishment of persons selling arms and ammunition to the natives and for the confiscation of the inhibited articles. It being the plain duty of this Government to aid in suppressing the nefarious traffic, impairing as it does the praiseworthy and civilizing efforts now in progress in that region, I recommend that an act be passed prohibiting the sale of arms and intoxicants to natives in the regulated zone by our citizens.

Costa Rica has lately testified its friendliness by surrendering to the United States, in the absence of a convention of extradition, but upon duly submitted evidence of criminality, a noted fugitive from justice. It is trusted that the negotiation of a treaty with that country to meet recurring cases of this kind will soon be accomplished. In my opinion treaties for reciprocal extradition should be concluded with all those countries with which the United States has not already conventional arrangements of that character.

I have deemed it fitting to express to the Governments of Costa Rica

and Colombia the kindly desire of the United States to see their pending boundary dispute finally closed by arbitration in conformity with the spirit of the treaty concluded between them some years ago.

Our relations with the French Republic continue to be intimate and cordial. I sincerely hope that the extradition treaty with that country, as amended by the Senate, will soon be operative.

While occasional questions affecting our naturalized citizens returning to the land of their birth have arisen in our intercourse with Germany, our relations with that country continue satisfactory.

The questions affecting our relations with Great Britain have been treated in a spirit of friendliness.

Negotiations are in progress between the two Governments with a view to such concurrent action as will make the award and regulations agreed upon by the Bering Sea Tribunal of Arbitration practically effective, and it is not doubted that Great Britain will cooperate freely with this country for the accomplishment of that purpose.

The dispute growing out of the discriminating tolls imposed in the Welland Canal upon cargoes of cereals bound to and from the lake ports of the United States was adjusted by the substitution of a more equitable schedule of charges, and my predecessor thereupon suspended his proclamation imposing discriminating tolls upon British transit through our canals.*

A request for additions to the list of extraditable offenses covered by the existing treaty between the two countries is under consideration.

During the past year an American citizen employed in a subordinate commercial position in Hayti, after suffering a protracted imprisonment on an unfounded charge of smuggling, was finally liberated on judicial examination. Upon urgent representation to the Haytian Government a suitable indemnity was paid to the sufferer.

By a law of Hayti a sailing vessel, having discharged her cargo, is refused clearance until the duties on such cargo have been paid. The hardship of this measure upon American shipowners, who conduct the bulk of the carrying trade of that country, has been insisted on with a view of securing the removal of this cause of complaint.

Upon receiving authentic information of the firing upon an American mail steamer touching at the port of Amapala because her captain refused to deliver up a passenger in transit from Nicaragua to Guatemala upon demand of the military authorities of Honduras, our minister to that country, under instructions, protested against the wanton act and demanded satisfaction. The Government of Honduras, actuated by a sense of justice and in a spirit of the utmost friendship, promptly disavowed the illegal conduct of its officers and expressed sincere regret for the occurrence.

It is confidently anticipated that a satisfactory adjustment will soon be reached of the questions arising out of the seizure and use of American

*See pp. 5812–5813.

vessels by insurgents in Honduras and the subsequent denial by the successful Government of commercial privileges to those vessels on that account.

A notable part of the southeasterly coast of Liberia between the Cavally and San Pedro rivers, which for nearly half a century has been generally recognized as belonging to that Republic by cession and purchase, has been claimed to be under the protectorate of France in virtue of agreements entered into by the native tribes, over whom Liberia's control has not been well maintained.

More recently negotiations between the Liberian representative and the French Government resulted in the signature at Paris of a treaty whereby as an adjustment certain Liberian territory is ceded to France. This convention at last advices had not been ratified by the Liberian Legislature and Executive.

Feeling a sympathetic interest in the fortunes of the little Commonwealth, the establishment and development of which were largely aided by the benevolence of our countrymen, and which constitutes the only independently sovereign state on the west coast of Africa, this Government has suggested to the French Government its earnest concern lest territorial impairment in Liberia should take place without her unconstrained consent.

Our relations with Mexico continue to be of that close and friendly nature which should always characterize the intercourse of two neighboring republics.

The work of relocating the monuments marking the boundary between the two countries from Paso del Norte to the Pacific is now nearly completed.

The commission recently organized under the conventions of 1884 and 1889 it is expected will speedily settle disputes growing out of the shifting currents of the Rio Grande River east of El Paso.

Nicaragua has recently passed through two revolutions, the party at first successful having in turn been displaced by another. Our newly appointed minister by his timely good offices aided in a peaceful adjustment of the controversy involved in the first conflict. The large American interests established in that country in connection with the Nicaragua Canal were not molested.

The canal company has unfortunately become financially seriously embarrassed, but a generous treatment had been extended to it by the Government of Nicaragua. The United States are especially interested in the successful achievement of the vast undertaking this company has in charge. That it should be accomplished under distinctively American auspices, and its enjoyment assured not only to the vessels of this country as a channel of communication between our Atlantic and Pacific seaboards, but to the ships of the world in the interests of civilization, is a proposition which, in my judgment, does not admit of question.

Guatemala has also been visited by the political vicissitudes which

have afflicted her Central American neighbors, but the dissolution of its Legislature and the proclamation of a dictatorship have been unattended with civil war.

An extradition treaty with Norway has recently been exchanged and proclaimed.

The extradition treaty with Russia signed in March, 1887, and amended and confirmed by the Senate in February last, was duly proclaimed last June.

Led by a desire to compose differences and contribute to the restoration of order in Samoa, which for some years previous had been the scene of conflicting foreign pretensions and native strife, the United States, departing from its policy consecrated by a century of observance, entered four years ago into the treaty of Berlin, thereby becoming jointly bound with England and Germany to establish and maintain Malietoa Laupepa as King of Samoa. The treaty provided for a foreign court of justice; a municipal council for the district of Apia, with a foreign president thereof, authorized to advise the King; a tribunal for the settlement of native and foreign land titles, and a revenue system for the Kingdom. It entailed upon the three powers that part of the cost of the new Government not met by the revenue of the islands.

Early in the life of this triple protectorate the native dissensions it was designed to quell revived. Rivals defied the authority of the new King, refusing to pay taxes and demanding the election of a ruler by native suffrage. Mataafa, an aspirant to the throne, and a large number of his native adherents were in open rebellion on one of the islands. Quite lately, at the request of the other powers and in fulfillment of its treaty obligation, this Government agreed to unite in a joint military movement of such dimensions as would probably secure the surrender of the insurgents without bloodshed.

The war ship *Philadelphia* was accordingly put under orders for Samoa, but before she arrived the threatened conflict was precipitated by King Malietoa's attack upon the insurgent camp. Mataafa was defeated and a number of his men killed. The British and German naval vessels present subsequently secured the surrender of Mataafa and his adherents. The defeated chief and ten of his principal supporters were deported to a German island of the Marshall group, where they are held as prisoners under the joint responsibility and cost of the three powers.

This incident and the events leading up to it signally illustrate the impolicy of entangling alliances with foreign powers.

More than fifteen years ago this Government preferred a claim against Spain in behalf of one of our citizens for property seized and confiscated in Cuba. In 1886 the claim was adjusted, Spain agreeing to pay unconditionally, as a fair indemnity, $1,500,000. A respectful but earnest note was recently addressed to the Spanish Government insisting upon prompt fulfillment of its long-neglected obligation.

Other claims preferred by the United States against Spain in behalf of American citizens for property confiscated in Cuba have been pending for many years.

At the time Spain's title to the Caroline Islands was confirmed by arbitration that Government agreed that the rights which had been acquired there by American missionaries should be recognized and respected. It is sincerely hoped that this pledge will be observed by allowing our missionaries, who were removed from Ponape to a place of safety by a United States war ship during the late troubles between the Spanish garrison and the natives, to return to their field of usefulness.

The reproduced caravel *Santa Maria*, built by Spain and sent to the Columbian Exposition, has been presented to the United States in token of amity and in commemoration of the event it was designed to celebrate. I recommend that in accepting this gift Congress make grateful recognition of the sincere friendship which prompted it.

Important matters have demanded attention in our relations with the Ottoman Porte.

The firing and partial destruction by an unrestrained mob of one of the school buildings of Anatolia College, established by citizens of the United States at Marsovan, and the apparent indifference of the Turkish Government to the outrage, notwithstanding the complicity of some of its officials, called for earnest remonstrance, which was followed by promise of reparation and punishment of the offenders.

Indemnity for the injury to the buildings has already been paid, permission to rebuild given, registration of the school property in the name of the American owners secured, and efficient protection guaranteed.

Information received of maltreatment suffered by an inoffensive American woman engaged in missionary work in Turkish Koordistan was followed by such representations to the Porte as resulted in the issuance of orders for the punishment of her assailants, the removal of a delinquent official, and the adoption of measures for the protection of our citizens engaged in mission and other lawful work in that quarter.

Turkey complains that her Armenian subjects obtain citizenship in this country not to identify themselves in good faith with our people, but with the intention of returning to the land of their birth and there engaging in sedition. This complaint is not wholly without foundation. A journal published in this country in the Armenian language openly counsels its readers to arm, organize, and participate in movements for the subversion of Turkish authority in the Asiatic provinces. The Ottoman Government has announced its intention to expel from its dominions Armenians who have obtained naturalization in the United States since 1868.

The right to exclude any or all classes of aliens is an attribute of sovereignty. It is a right asserted and, to a limited extent, enforced by the United States, with the sanction of our highest court. There being no

naturalization treaty between the United States and Turkey, our minister at Constantinople has been instructed that, while recognizing the right of that Government to enforce its declared policy against naturalized Armenians, he is expected to protect them from unnecessary harshness of treatment.

In view of the impaired financial resources of Venezuela consequent upon the recent revolution there, a modified arrangement for the satisfaction of the awards of the late revisory claims commission, in progressive installments, has been assented to, and payments are being regularly made thereunder.

The boundary dispute between Venezuela and British Guiana is yet unadjusted. A restoration of diplomatic intercourse between that Republic and Great Britain and reference of the question to impartial arbitration would be a most gratifying consummation.

The ratification by Venezuela of the convention for the arbitration of the long-deferred claim of the Venezuelan Transportation Company is awaited.

It is hardly necessary for me to state that the questions arising from our relations with Hawaii have caused serious embarrassment. Just prior to the installation of the present Administration the existing Government of Hawaii had been suddenly overthrown and a treaty of annexation had been negotiated between the Provisional Government of the islands and the United States and submitted to the Senate for ratification. This treaty I withdrew for examination and dispatched Hon. James H. Blount, of Georgia, to Honolulu as a special commissioner to make an impartial investigation of the circumstances attending the change of government and of all the conditions bearing upon the subject of the treaty. After a thorough and exhaustive examination Mr. Blount submitted to me his report, showing beyond all question that the constitutional Government of Hawaii had been subverted with the active aid of our representative to that Government and through the intimidation caused by the presence of an armed naval force of the United States, which was landed for that purpose at the instance of our minister. Upon the facts developed it seemed to me the only honorable course for our Government to pursue was to undo the wrong that had been done by those representing us and to restore as far as practicable the status existing at the time of our forcible intervention. With a view of accomplishing this result within the constitutional limits of executive power, and recognizing all our obligations and responsibilities growing out of any changed conditions brought about by our unjustifiable interference, our present minister at Honolulu has received appropriate instructions to that end. Thus far no information of the accomplishment of any definite results has been received from him.

Additional advices are soon expected. When received they will be promptly sent to the Congress, together with all other information at

hand, accompanied by a special Executive message fully detailing all the facts necessary to a complete understanding of the case and presenting a history of all the material events leading up to the present situation.

By a concurrent resolution passed by the Senate February 14, 1890, and by the House of Representatives on the 3d of April following the President was requested to "invite from time to time, as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two governments which can not be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means." April 18, 1890, the International American Conference of Washington by resolution expressed the wish that all controversies between the republics of America and the nations of Europe might be settled by arbitration, and recommended that the government of each nation represented in that conference should communicate this wish to all friendly powers. A favorable response has been received from Great Britain in the shape of a resolution adopted by Parliament July 16 last, cordially sympathizing with the purpose in view and expressing the hope that Her Majesty's Government will lend ready cooperation to the Government of the United States upon the basis of the concurrent resolution above quoted.

It affords me signal pleasure to lay this parliamentary resolution before the Congress and to express my sincere gratification that the sentiment of two great and kindred nations is thus authoritatively manifested in favor of the rational and peaceable settlement of international quarrels by honorable resort to arbitration.

Since the passage of the act of March 3, 1893, authorizing the President to raise the grade of our envoys to correspond with the rank in which foreign countries accredit their agents here, Great Britain, France, Italy, and Germany have conferred upon their representatives at this capital the title of ambassador, and I have responded by accrediting the agents of the United States in those countries with the same title. A like elevation of mission is announced by Russia, and when made will be similarly met. This step fittingly comports with the position the United States hold in the family of nations.

During my former Administration I took occasion to recommend a recast of the laws relating to the consular service, in order that it might become a more efficient agency in the promotion of the interests it was intended to subserve. The duties and powers of consuls have been expanded with the growing requirements of our foreign trade. Discharging important duties affecting our commerce and American citizens abroad, and in certain countries exercising judicial functions, these officers should be men of character, intelligence, and ability.

Upon proof that the legislation of Denmark secures copyright to Ameri-

CUBAN GUERRILLAS JOINING U. S. TROOPS AT SIBONEY

MARCHING THROUGH SIBONEY

From Siboney went two trails to Santiago, which, three miles away from Siboney, merged into one road. This meeting-place, uninhabited by man and surrounded with dense jungle, is called Las Guasimas. Here the Spaniards took position, posting riflemen in pits on the eastern trail and others in the jungle on the western. Shafter's advance on Santiago was led by Wheeler, who sent five hundred Rough Riders by the western, and five hundred negro cavalrymen of the Tenth Regular Regiment by the eastern trail. The Rough Riders performed the more notable part of the work. Having learned that the enemy was near at hand their column halted and deployed into the jungle on either side and into the valley, so as to establish communication with the other column on the eastern trail. Presently a volley rang out and a hail of Mauser bullets whistled through the foliage about three feet above the ground. The troops stumbled through the rank vegetation toward the sound. Sight was almost useless in the bewildering tangle. Our troops at last encountered a curtain of wild grapevines so closely intertwined and festooned with parasitic growths that they could proceed no farther. From behind this curtain came the volleys. After pouring lead into the spot, Roosevelt ordered them to move on knees and stomachs to the left. A skirmish line was thus formed that ran from the eastern trail into the valley and up the slope, to the western trail, outflanking the Spanish ambush. The Rough Riders' part of this line went forward in short dashes, each man seeking his own shelter. An hour and a half of such fighting drove the Spaniards a mile and a half from their first line of battle. The rifle pits on the eastern slope had not been carried, however. The Rough Riders then charged the enemy's principal stronghold, a house on the ridge, and carried it. This made the rifle pits untenable and the enemy retreated toward Santiago.

President McKinley wrote the official history of the war in his messages, just as Madison, Polk and Lincoln wrote the official histories of the War of 1812, and the Mexican and Civil wars. The article, "Spanish-American War," in the encyclopedic index (volume eleven), recites the facts briefly. There are articles on the principal battles, "Santiago," "Santiago Harbor," "Manila Harbor," "Guantanamo," and "San Juan."

can citizens on equal footing with its own, the privileges of our copyright laws have been extended by proclamation to subjects of that country.*

The Secretary of the Treasury reports that the receipts of the Government from all sources during the fiscal year ended June 30, 1893, amounted to $461,716,561.94 and its expenditures to $459,374,674.29. There was collected from customs $205,355,016.73 and from internal revenue $161,027,623.93. Our dutiable imports amounted to $421,856,711, an increase of $52,453,907 over the preceding year, and importations free of duty amounted to $444,544,211, a decrease from the preceding year of $13,455,447. Internal-revenue receipts exceeded those of the preceding year by $7,147,445.32. The total tax collected on distilled spirits was $94,720,260.55, on manufactured tobacco $31,889,711.74, and on fermented liquors $32,548,983.07. We exported merchandise during the year amounting to $847,665,194, a decrease of $182,612,954 from the preceding year. The amount of gold exported was larger than any previous year in the history of the Government, amounting to $108,680,844, and exceeding the amount exported during the preceding year by $58,485,517.

The sum paid from the Treasury for sugar bounty was $9,375,130.88, an increase over the preceding year of $2,033,053.09.

It is estimated upon the basis of present revenue laws that the receipts of the Government for the year ending June 30, 1894, will be $430,121,365.38 and its expenditures $458,121,365.28, resulting in a deficiency of $28,000,000.

On the 1st day of November, 1893, the amount of money of all kinds in circulation, or not included in Treasury holdings, was $1,718,544,682, an increase for the year of $112,404,947. Estimating our population at 67,426,000 at the time mentioned, the per capita circulation was $25.49. On the same date there was in the Treasury gold bullion amounting to $96,657,273 and silver bullion which was purchased at a cost of $126,261,553.

The purchases of silver under the law of July 14, 1890, during the last fiscal year aggregated 54,008,162.59 fine ounces, which cost $45,531,374.53. The total amount of silver purchased from the time that law became operative until the repeal of its purchasing clause, on the 1st day of November, 1893, was 168,674,590.46 fine ounces, which cost $155,930,940.84. Between the 1st day of March, 1873, and the 1st day of November, 1893, the Government purchased under all laws 503,003,717 fine ounces of silver, at a cost of $516,622,948. The silver dollars that have been coined under the act of July 14, 1890, number 36,087,285. The seigniorage arising from such coinage was $6,977,098.39, leaving on hand in the mints 140,699,760 fine ounces of silver, which cost $126,758,218.

Our total coinage of all metals during the last fiscal year consisted of

*See pp. 5827–5828

97,280,875 pieces, valued at $43,685,178.80, of which there was $30,038,140 in gold coin, $5,343,715 in silver dollars, $7,217,220.90 in subsidiary silver coin, and $1,086,102.90 in minor coins.

During the calendar year 1892 the production of precious metals in the United States was estimated to be 1,596,375 fine ounces of gold of the commercial and coinage value of $33,000,000 and 58,000,000 fine ounces of silver of the bullion or market value of $50,750,000 and of the coinage value of $74,989,900.

It is estimated that on the 1st day of July, 1893, the metallic stock of money in the United States, consisting of coin and bullion, amounted to $1,213,559,169, of which $597,697,685 was gold and $615,861,484 was silver.

One hundred and nineteen national banks were organized during the year ending October 31, 1893, with a capital of $11,230,000. Forty-six went into voluntary liquidation and 158 suspended. Sixty-five of the suspended banks were insolvent, 86 resumed business, and 7 remain in the hands of the bank examiners, with prospects of speedy resumption. Of the new banks organized, 44 were located in the Eastern States, 41 west of the Mississippi River, and 34 in the Central and Southern States. The total number of national banks in existence on October 31, 1893, was 3,796, having an aggregate capital of $695,558,120. The net increase in the circulation of these banks during the year was $36,886,972.

The recent repeal of the provision of law requiring the purchase of silver bullion by the Government as a feature of our monetary scheme has made an entire change in the complexion of our currency affairs. I do not doubt that the ultimate result of this action will be most salutary and far-reaching. In the nature of things, however, it is impossible to know at this time precisely what conditions will be brought about by the change, or what, if any, supplementary legislation may in the light of such conditions appear to be essential or expedient. Of course, after the recent financial perturbation, time is necessary for the reestablishment of business confidence. When, however, through this restored confidence, the money which has been frightened into hoarding places is returned to trade and enterprise, a survey of the situation will probably disclose a safe path leading to a permanently sound currency, abundantly sufficient to meet every requirement of our increasing population and business.

In the pursuit of this object we should resolutely turn away from alluring and temporary expedients, determined to be content with nothing less than a lasting and comprehensive financial plan. In these circumstances I am convinced that a reasonable delay in dealing with this subject, instead of being injurious, will increase the probability of wise action.

The monetary conference which assembled at Brussels upon our invitation was adjourned to the 30th day of November of the present year. The considerations just stated and the fact that a definite proposition

from us seemed to be expected upon the reassembling of the conference led me to express a willingness to have the meeting still further postponed.

It seems to me that it would be wise to give general authority to the President to invite other nations to such a conference at any time when there should be a fair prospect of accomplishing an international agreement on the subject of coinage.

I desire also to earnestly suggest the wisdom of amending the existing statutes in regard to the issuance of Government bonds. The authority now vested in the Secretary of the Treasury to issue bonds is not as clear as it should be, and the bonds authorized are disadvantageous to the Government both as to the time of their maturity and rate of interest.

The Superintendent of Immigration, through the Secretary of the Treasury, reports that during the last fiscal year there arrived at our ports 440,793 immigrants. Of these, 1,063 were not permitted to land under the limitations of the law and 577 were returned to the countries from whence they came by reason of their having become public charges. The total arrivals were 141,034 less than for the previous year.

The Secretary in his report gives an account of the operation of the Marine-Hospital Service and of the good work done under its supervision in preventing the entrance and spread of contagious diseases.

The admonitions of the last two years touching our public health and the demonstrated danger of the introduction of contagious diseases from foreign ports have invested the subject of national quarantine with increased interest. A more general and harmonious system than now exists, acting promptly and directly everywhere and constantly operating by preventive means to shield our country from the invasion of disease, and at the same time having due regard to the rights and duties of local agencies, would, I believe, add greatly to the safety of our people.

The Secretary of War reports that the strength of the Army on the 30th day of September last was 25,778 enlisted men and 2,144 officers.

The total expenditures of the Department for the year ending June 30, 1893, amounted to $51,966,074.89. Of this sum $1,992,581.95 was for salaries and contingent expenses, $23,377,828.35 for the support of the military establishment, $6,077,033.18 for miscellaneous objects, and $20,518,631.41 for public works. This latter sum includes $15,296,876.46 for river and harbor improvements and $3,266,141.20 for fortifications and other works of defense.

The total enrollment of the militia of the several States was on the 31st of October of the current year 112,597 officers and enlisted men. The officers of the Army detailed for the inspection and instruction of this reserve of our military force report that increased interest and marked progress are apparent in the discipline and efficiency of the organization.

Neither Indian outbreaks nor domestic violence have called the Army into service during the year, and the only active military duty required

of it has been in the Department of Texas, where violations of the neutrality laws of the United States and Mexico were promptly and efficiently dealt with by the troops, eliciting the warm approval of the civil and military authorities of both countries.

The operation of wise laws and the influences of civilization constantly tending to relieve the country from the dangers of Indian hostilities, together with the increasing ability of the States, through the efficiency of the National Guard organizations, to protect their citizens from domestic violence, lead to the suggestion that the time is fast approaching when there should be a reorganization of our Army on the lines of the present necessities of the country. This change contemplates neither increase in number nor added expense, but a redistribution of the force and an encouragement of measures tending to greater efficiency among the men and improvement of the service.

The adoption of battalion formations for infantry regiments, the strengthening of the artillery force, the abandonment of smaller and unnecessary posts, and the massing of the troops at important and accessible stations all promise to promote the usefulness of the Army. In the judgment of army officers, with but few exceptions, the operation of the law forbidding the reenlistment of men after ten years' service has not proved its wisdom, and while the arguments that led to its adoption were not without merit the experience of the year constrains me to join in the recommendation for its repeal.

It is gratifying to note that we have begun to attain completed results in the comprehensive scheme of seacoast defense and fortification entered upon eight years ago. A large sum has been already expended, but the cost of maintenance will be inconsiderable as compared with the expense of construction and ordnance. At the end of the current calendar year the War Department will have nine 12-inch guns, twenty 10-inch, and thirty-four 8-inch guns ready to be mounted on gun lifts and carriages, and seventy-five 12-inch mortars. In addition to the product of the Army Gun Factory, now completed at Watervliet, the Government has contracted with private parties for the purchase of one hundred guns of these calibers, the first of which should be delivered to the Department for test before July 1, 1894.

The manufacture of heavy ordnance keeps pace with current needs, but to render these guns available for the purposes they are designed to meet emplacements must be prepared for them. Progress has been made in this direction, and it is desirable that Congress by adequate appropriations should provide for the uninterrupted prosecution of this necessary work.

After much preliminary work and exhaustive examination in accordance with the requirements of the law, the board appointed to select a magazine rifle of modern type with which to replace the obsolete Springfield rifle of the infantry service completed its labors during the last

year, and the work of manufacture is now in progress at the national armory at Springfield. It is confidently expected that by the end of the current year our infantry will be supplied with a weapon equal to that of the most progressive armies of the world.

The work on the projected Chickamauga and Chattanooga National Military Park has been prosecuted with zeal and judgment, and its opening will be celebrated during the coming year. Over 9 square miles of the Chickamauga battlefield have been acquired, 25 miles of roadway have been constructed, and permanent tablets have been placed at many historical points, while the invitation to the States to mark the positions of their troops participating in the battle has been very generally accepted.

The work of locating and preserving the lines of battle at the Gettysburg battlefield is making satisfactory progress on the plans directed by the last Congress.

The reports of the Military Academy at West Point and the several schools for special instruction of officers show marked advance in the education of the Army and a commendable ambition among its officers to excel in the military profession and to fit themselves for the highest service to the country.

Under the supervision of Adjutant-General Robert Williams, lately retired, the Bureau of Military Information has become well established and is performing a service that will put in possession of the Government in time of war most valuable information, and at all times serve a purpose of great utility in keeping the Army advised of the world's progress in all matters pertaining to the art of war.

The report of the Attorney-General contains the usual summary of the affairs and proceedings of the Department of Justice for the past year, together with certain recommendations as to needed legislation on various subjects. I can not too heartily indorse the proposition that the fee system as applicable to the compensation of United States attorneys, marshals, clerks of Federal courts, and United States commissioners should be abolished with as little delay as possible. It is clearly in the interest of the community that the business of the courts, both civil and criminal, shall be as small and as inexpensively transacted as the ends of justice will allow.

The system is therefore thoroughly vicious which makes the compensation of court officials depend upon the volume of such business, and thus creates a conflict between a proper execution of the law and private gain, which can not fail to be dangerous to the rights and freedom of the citizen and an irresistible temptation to the unjustifiable expenditure of public funds. If in addition to this reform another was inaugurated which would give to United States commissioners the final disposition of petty offenses within the grade of misdemeanors, especially those coming under the internal-revenue laws, a great advance would be made toward a more decent administration of the criminal law.

In my first message to Congress, dated December 8, 1885,* I strongly recommended these changes and referred somewhat at length to the evils of the present system. Since that time the criminal business of the Federal courts and the expense attending it have enormously increased. The number of criminal prosecutions pending in the circuit and district courts of the United States on the 1st day of July, 1885, was 3,808, of which 1,884 were for violations of the internal-revenue laws, while the number of such prosecutions pending on the 1st day of July, 1893, was 9,500, of which 4,200 were for violations of the internal-revenue laws. The expense of the United States courts, exclusive of judges' salaries, for the year ending July 1, 1885, was $2,874,733.11 and for the year ending July 1, 1893, $4,528,676.87.

It is therefore apparent that the reasons given in 1885 for a change in the manner of enforcing the Federal criminal law have gained cogency and strength by lapse of time.

I also heartily join the Attorney-General in recommending legislation fixing degrees of the crime of murder within Federal jurisdiction, as has been done in many of the States; authorizing writs of error on behalf of the Government in cases where final judgment is rendered against the sufficiency of an indictment or against the Government upon any other question arising before actual trial; limiting the right of review in cases of felony punishable only by fine and imprisonment to the circuit court of appeals, and making speedy provision for the construction of such prisons and reformatories as may be necessary for the confinement of United States convicts.

The report of the Postmaster-General contains a detailed statement of the operations of the Post-Office Department during the last fiscal year and much interesting information touching this important branch of the public service.

The business of the mails indicates with absolute certainty the condition of the business of the country, and depression in financial affairs inevitably and quickly reduces the postal revenues. Therefore a larger discrepancy than usual between the post-office receipts and expenditures is the expected and unavoidable result of the distressing stringency which has prevailed throughout the country during much of the time covered by the Postmaster-General's report. At a date when better times were anticipated it was estimated by his predecessor that the deficiency on the 30th day of June, 1893, would be but a little over a million and a half dollars. It amounted, however, to more than five millions. At the same time and under the influence of like anticipations estimates were made for the current fiscal year, ending June 30, 1894, which exhibited a surplus of revenue over expenditures of $872,245.71; but now, in view of the actual receipts and expenditures during that part of the current fiscal year already expired, the present Postmaster-General estimates

* See pp. 4938–4940.

that at its close instead of a surplus there will be a deficiency of nearly $8,000,000.

The post-office receipts for the last fiscal year amounted to $75,896,933.16 and its expenditures to $81,074,104.90. This post-office deficiency would disappear or be immensely decreased if less matter were carried free through the mails, an item of which is upward of 300 tons of seeds and grain from the Agricultural Department.

The total number of post-offices in the United States on the 30th day of June, 1893, was 68,403, an increase of 1,284 over the preceding year. Of these, 3,360 were Presidential, an increase in that class of 204 over the preceding year.

Forty-two free-delivery offices were added during the year to those already existing, making a total of 610 cities and towns provided with free delivery on June 30, 1893. Ninety-three other cities and towns are now entitled to this service under the law, but it has not been accorded them on account of insufficient funds to meet the expenses of its establishment.

I am decidedly of the opinion that the provisions of the present law permit as general an introduction of this feature of mail service as is necessary or justifiable, and that it ought not to be extended to smaller communities than are now designated.

The expenses of free delivery for the fiscal year ending June 30, 1894, will be more than $11,000,000, and under legislation now existing there must be a constant increase in this item of expenditure.

There were 6,401 additions to the domestic money-order offices during the last fiscal year, being the largest increase in any year since the inauguration of the system. The total number of these offices at the close of the year was 18,434. There were 13,309,735 money orders issued from these offices, being an increase over the preceding year of 1,240,293, and the value of these orders amounted to $127,576,433.65, an increase of $7,509,632.58. There were also issued during the year postal notes amounting to $12,903,076.73.

During the year 195 international money-order offices were added to those already provided, making a total of 2,407 in operation on June 30, 1893. The number of international money orders issued during the year was 1,055,999, an increase over the preceding year of 72,525, and their value was $16,341,837.86, an increase of $1,221,506.31. The number of orders paid was 300,917, an increase over the preceding year of 13,503, and their value was $5,283,375.70, an increase of $94,094.83.

From the foregoing statements it appears that the total issue of money orders and postal notes for the year amounted to $156,821,348.24.

The number of letters and packages mailed during the year for special delivery was 3,375,693, an increase over the preceding year of nearly 22 per cent. The special-delivery stamps used upon these letters and packages amounted to $337,569.30, and the messengers' fees paid for their

delivery amounted to $256,592.71, leaving a profit to the Government of $80,976.59.

The Railway Mail Service not only adds to the promptness of mail delivery at all offices, but it is the especial instrumentality which puts the smaller and way places in the service on an equality in that regard with the larger and terminal offices. This branch of the postal service has therefore received much attention from the Postmaster-General, and though it is gratifying to know that it is in a condition of high efficiency and great usefulness, I am led to agree with the Postmaster-General that there is room for its further improvement.

There are now connected to the Post-Office establishment 28,324 employees who are in the classified service. The head of this great Department gives conclusive evidence of the value of civil-service reform when, after an experience that renders his judgment on the subject absolutely reliable, he expresses the opinion that without the benefit of this system it would be impossible to conduct the vast business intrusted to him.

I desire to commend as especially worthy of prompt attention the suggestions of the Postmaster-General relating to a more sensible and businesslike organization and a better distribution of responsibility in his Department.

The report of the Secretary of the Navy contains a history of the operations of his Department during the past year and exhibits a most gratifying condition of the personnel of our Navy. He presents a satisfactory account of the progress which has been made in the construction of vessels and makes a number of recommendations to which attention is especially invited.

During the past six months the demands for cruising vessels have been many and urgent. There have been revolutions calling for vessels to protect American interests in Nicaragua, Guatemala, Costa Rica, Honduras, Argentina, and Brazil, while the condition of affairs in Honolulu has required the constant presence of one or more ships. With all these calls upon our Navy it became necessary, in order to make up a sufficient fleet to patrol the Bering Sea under the *modus vivendi* agreed upon with Great Britain, to detail to that service one vessel from the Fish Commission and three from the Revenue Marine.

Progress in the construction of new vessels has not been as rapid as was anticipated. There have been delays in the completion of unarmored vessels, but for the most part they have been such as are constantly occurring even in countries having the largest experience in naval shipbuilding. The most serious delays, however, have been in the work upon armored ships. The trouble has been the failure of contractors to deliver armor as agreed. The difficulties seem now, however, to have been all overcome, and armor is being delivered with satisfactory promptness. As a result of the experience acquired by shipbuilders and designers and material men, it is believed that the dates when vessels will

be completed can now be estimated with reasonable accuracy. Great guns, rapid-fire guns, torpedoes, and powder are being promptly supplied.

The following vessels of the new Navy have been completed and are now ready for service: The double-turreted coast-defense monitor *Miantonomoh*, the double-turreted coast-defense monitor *Monterey*, the armored cruiser *New York*, the protected cruisers *Baltimore*, *Chicago*, *Philadelphia*, *Newark*, *San Francisco*, *Charleston*, *Atlanta*, and *Boston*, the cruiser *Detroit*, the gunboats *Yorktown*, *Concord*, *Bennington*, *Machias*, *Castine*, and *Petrel*, the dispatch vessel *Dolphin*, the practice vessel *Bancroft*, and the dynamite gunboat *Vesuvius*. Of these the *Bancroft*, *Machias*, *Detroit*, and *Castine* have been placed in commission during the current calendar year.

The following vessels are in process of construction: The second-class battle ships *Maine* and *Texas*, the cruisers *Montgomery* and *Marblehead*, and the coast-defense monitors *Terror*, *Puritan*, *Amphitrite*, and *Monadnock*, all of which will be completed within one year; the harbor-defense ram *Katahdin* and the protected cruisers *Columbia*, *Minneapolis*, *Olympia*, *Cincinnati*, and *Raleigh*, all of which will be completed prior to July 1, 1895; the first-class battle ships *Iowa*, *Indiana*, *Massachusetts*, and *Oregon*, which will be completed February 1, 1896, and the armored cruiser *Brooklyn*, which will be completed by August 1 of that year. It is also expected that the three gunboats authorized by the last Congress will be completed in less than two years.

Since 1886 Congress has at each session authorized the building of one or more vessels, and the Secretary of the Navy presents an earnest plea for the continuance of this plan. He recommends the authorization of at least one battle ship and six torpedo boats.

While I am distinctly in favor of consistently pursuing the policy we have inaugurated of building up a thorough and efficient Navy, I can not refrain from the suggestion that the Congress should carefully take into account the number of unfinished vessels on our hands and the depleted condition of our Treasury in considering the propriety of an appropriation at this time to begin new work.

The method of employing mechanical labor at navy-yards through boards of labor and making efficiency the sole test by which laborers are employed and continued is producing the best results, and the Secretary is earnestly devoting himself to its development. Attention is invited to the statements of his report in regard to the workings of the system.

The Secretary of the Interior has the supervision of so many important subjects that his report is of especial value and interest.

On the 30th day of June, 1893, there were on the pension rolls 966,012 names, an increase of 89,944 over the number on the rolls June 30, 1892. Of these there were 17 widows and daughters of Revolutionary soldiers, 86 survivors of the War of 1812, 5,425 widows of soldiers of that war, 21,518 survivors and widows of the Mexican War, 3,882 survivors and widows of Indian wars, 284 army nurses, and 475,645 survivors and

widows and children of deceased soldiers and sailors of the War of the Rebellion. The latter number represents those pensioned on account of disabilities or death resulting from army and navy service. The number of persons remaining on the rolls June 30, 1893, who were pensioned under the act of June 27, 1890, which allows pensions on account of death and disability not chargeable to army service, was 459,155.

The number added to the rolls during the year was 123,634 and the number dropped was 33,690. The first payments on pensions allowed during the year amounted to $33,756,549.98. This includes arrears, or the accumulation between the time from which the allowance of pension dates and the time of actually granting the certificate.

Although the law of 1890 permits pensions for disabilities not related to military service, yet as a requisite to its benefits a disability must exist incapacitating applicants "from the performance of manual labor to such a degree as to render them unable to earn a support." The execution of this law in its early stages does not seem to have been in accord with its true intention, but toward the close of the last Administration an authoritative construction was given to the statute, and since that time this construction has been followed. This has had the effect of limiting the operation of the law to its intended purpose. The discovery having been made that many names had been put upon the pension roll by means of wholesale and gigantic frauds, the Commissioner suspended payments upon a number of pensions which seemed to be fraudulent or unauthorized pending a complete examination, giving notice to the pensioners, in order that they might have an opportunity to establish, if possible, the justice of their claims notwithstanding apparent invalidity.

This, I understand, is the practice which has for a long time prevailed in the Pension Bureau; but after entering upon these recent investigations the Commissioner modified this rule so as not to allow until after a complete examination interference with the payment of a pension apparently not altogether void, but which merely had been fixed at a rate higher than that authorized by law.

I am unable to understand why frauds in the pension rolls should not be exposed and corrected with thoroughness and vigor. Every name fraudulently put upon these rolls is a wicked imposition upon the kindly sentiment in which pensions have their origin; every fraudulent pensioner has become a bad citizen; every false oath in support of a pension has made perjury more common, and false and undeserving pensioners rob the people not only of their money, but of the patriotic sentiment which the survivors of a war fought for the preservation of the Union ought to inspire. Thousands of neighborhoods have their well-known fraudulent pensioners, and recent developments by the Bureau establish appalling conspiracies to accomplish pension frauds. By no means the least wrong done is to brave and deserving pensioners, who certainly ought not to be condemned to such association.

Those who attempt in the line of duty to rectify these wrongs should not be accused of enmity or indifference to the claims of honest veterans.

The sum expended on account of pensions for the year ending June 30, 1893, was $156,740,467.14.

The Commissioner estimates that $165,000,000 will be required to pay pensions during the year ending June 30, 1894.

The condition of the Indians and their ultimate fate are subjects which are related to a sacred duty of the Government and which strongly appeal to the sense of justice and the sympathy of our people.

Our Indians number about 248,000. Most of them are located on 161 reservations, containing 86,116,537 acres of land. About 110,000 of these Indians have to a large degree adopted civilized customs. Lands in severalty have been allotted to many of them. Such allotments have been made to 10,000 individuals during the last fiscal year, embracing about 1,000,000 acres. The number of Indian Government schools opened during the year was 195, an increase of 12 over the preceding year. Of this total 170 were on reservations, of which 73 were boarding schools and 97 were day schools. Twenty boarding schools and 5 day schools supported by the Government were not located on reservations. The total number of Indian children enrolled during the year as attendants of all schools was 21,138, an increase of 1,231 over the enrollment for the previous year.

I am sure that secular education and moral and religious teaching must be important factors in any effort to save the Indian and lead him to civilization. I believe, too, that the relinquishment of tribal relations and the holding of land in severalty may in favorable conditions aid this consummation. It seems to me, however, that allotments of land in severalty ought to be made with great care and circumspection. If hastily done, before the Indian knows its meaning, while yet he has little or no idea of tilling a farm and no conception of thrift, there is great danger that a reservation life in tribal relations may be exchanged for the pauperism of civilization instead of its independence and elevation.

The solution of the Indian problem depends very largely upon good administration. The personal fitness of agents and their adaptability to the peculiar duty of caring for their wards are of the utmost importance.

The law providing that, except in special cases, army officers shall be detailed as Indian agents it is hoped will prove a successful experiment.

There is danger of great abuses creeping into the prosecution of claims for Indian depredations, and I recommend that every possible safeguard be provided against the enforcement of unjust and fictitious claims of this description.

The appropriations on account of the Indian Bureau for the year ending June 30, 1894, amount to $7,954,962.99, a decrease as compared with the year preceding it of $387,131.95.

The vast area of land which but a short time ago constituted the public domain is rapidly falling into private hands. It is certain that in the transfer the beneficent intention of the Government to supply from its domain homes to the industrious and worthy home seekers is often frustrated. Though the speculator, who stands with extortionate purpose between the land office and those who, with their families, are invited by the Government to settle on the public lands, is a despicable character who ought not to be tolerated, yet it is difficult to thwart his schemes. The recent opening to settlement of the lands in the Cherokee Outlet, embracing an area of 6,500,000 acres, notwithstanding the utmost care in framing the regulations governing the selection of locations and notwithstanding the presence of United States troops, furnished an exhibition, though perhaps in a modified degree, of the mad scramble, the violence, and the fraudulent occupation which have accompanied previous openings of public land.

I concur with the Secretary in the belief that these outrageous incidents can not be entirely prevented without a change in the laws on the subject, and I hope his recommendations in that direction will be favorably considered.

I especially commend to the attention of the Congress the statements contained in the Secretary's report concerning forestry. The time has come when efficient measures should be taken for the preservation of our forests from indiscriminate and remediless destruction.

The report of the Secretary of Agriculture will be found exceedingly interesting, especially to that large part of our citizens intimately concerned in agricultural occupations.

On the 7th day of March, 1893, there were upon its pay rolls 2,430 employees. This number has been reduced to 1,850 persons. In view of a depleted public Treasury and the imperative demand of the people for economy in the administration of their Government, the Secretary has entered upon the task of rationally reducing expenditures by the elimination from the pay rolls of all persons not needed for an efficient conduct of the affairs of the Department.

During the first quarter of the present year the expenses of the Department aggregated $345,876.76, as against $402,012.42 for the corresponding period of the fiscal year ending June 30, 1893. The Secretary makes apparent his intention to continue this rate of reduction by submitting estimates for the next fiscal year less by $994,280 than those for the present year.

Among the heads of divisions in this Department the changes have been exceedingly few. Three vacancies occurring from death and resignations have been filled by the promotion of assistants in the same divisions.

These promotions of experienced and faithful assistants have not only been in the interest of efficient work, but have suggested to those in the

Department who look for retention and promotion that merit and devotion to duty are their best reliance.

The amount appropriated for the Bureau of Animal Industry for the current fiscal year is $850,000. The estimate for the ensuing year is $700,000.

The regulations of 1892 concerning Texas fever have been enforced during the last year and the large stock yards of the country have been kept free from infection. Occasional local outbreaks have been largely such as could have been effectually guarded against by the owners of the affected cattle.

While contagious pleuro-pneumonia in cattle has been eradicated, animal tuberculosis, a disease widespread and more dangerous to human life than pleuro-pneumonia, is still prevalent. Investigations have been made during the past year as to the means of its communication and the method of its correct diagnosis. Much progress has been made in this direction by the studies of the division of animal pathology, but work ought to be extended, in cooperation with local authorities, until the danger to human life arising from this cause is reduced to a minimum.

The number of animals arriving from Canada during the year and inspected by Bureau officers was 462,092, and the number from transatlantic countries was 1,297. No contagious diseases were found among the imported animals.

The total number of inspections of cattle for export during the past fiscal year was 611,542. The exports show a falling off of about 25 per cent from the preceding year, the decrease occurring entirely in the last half of the year. This suggests that the falling off may have been largely due to an increase in the price of American export cattle.

During the year ending June 30, 1893, exports of inspected pork aggregated 20,677,410 pounds, as against 38,152,874 pounds for the preceding year. The falling off in this export was not confined, however, to inspected pork, the total quantity exported for 1892 being 665,490,616 pounds, while in 1893 it was only 527,308,695 pounds.

I join the Secretary in recommending that hereafter each applicant for the position of inspector or assistant inspector in the Bureau of Animal Industry be required, as a condition precedent to his appointment, to exhibit to the United States Civil Service Commission his diploma from an established, regular, and reputable veterinary college, and that this be supplemented by such an examination in veterinary science as the Commission may prescribe.

The exports of agricultural products from the United States for the fiscal year ending June 30, 1892, attained the enormous figure of $800,000,000, in round numbers, being 78.7 per cent of our total exports. In the last fiscal year this aggregate was greatly reduced, but nevertheless reached 615,000,000, being 75.1 per cent of all American commodities exported.

A review of our agricultural exports with special reference to their destination will show that in almost every line the United Kingdom of Great Britain and Ireland absorbs by far the largest proportion. Of cattle the total exports aggregated in value for the fiscal year ending June 30, 1893, $26,000,000, of which Great Britain took considerably over $25,000,000. Of beef products of all kinds our total exports were $28,000,000, of which Great Britain took $24,000,000. Of pork products the total exports were $84,000,000, of which Great Britain took $53,000,000. In breadstuffs, cotton, and minor products like proportions sent to the same destination are shown.

The work of the statistical division of the Department of Agriculture deals with all that relates to the economics of farming.

The main purpose of its monthly reports is to keep the farmers informed as fully as possible of all matters having any influence upon the world's markets, in which their products find sale. Its publications relate especially to the commercial side of farming.

It is therefore of profound importance and vital concern to the farmers of the United States, who represent nearly one-half of our population, and also of direct interest to the whole country, that the work of this division be efficiently performed and that the information it has gathered be promptly diffused.

It is a matter for congratulation to know that the Secretary will not spare any effort to make this part of his work thoroughly useful.

In the year 1839 the Congress appropriated $1,000, to be taken from the Patent Office funds, for the purpose of collecting and distributing rare and improved varieties of seeds and for prosecuting agricultural investigations and procuring agricultural statistics. From this small beginning the seed division of the Department of Agriculture has grown to its present unwieldy and unjustifiably extravagant proportions.

During the last fiscal year the cost of seeds purchased was $66,548.61. The remainder of an appropriation of $135,000 was expended in putting them up and distributing them. It surely never could have entered the minds of those who first sanctioned appropriations of public money for the purchase of new and improved varieties of seeds for gratuitous distribution that from this would grow large appropriations for the purchase and distribution by members of Congress of ordinary seeds, bulbs, and cuttings which are common in all the States and Territories and everywhere easily obtainable at low prices.

In each State and Territory an agricultural experiment station has been established. These stations, by their very character and name, are the proper agencies to experiment with and test new varieties of seeds; and yet this indiscriminate and wasteful distribution by legislation and legislators continues, answering no purpose unless it be to remind constituents that their representatives are willing to remember them with gratuities at public cost.

Under the sanction of existing legislation there was sent out from the Agricultural Department during the last fiscal year enough of cabbage seed to plant 19,200 acres of land, a sufficient quantity of beans to plant 4,000 acres, beet seed enough to plant 2,500 acres, sweet corn enough to plant 7,800 acres, sufficient cucumber seed to cover 2,025 acres with vines, and enough muskmelon and watermelon seeds to plant 2,675 acres. The total quantity of flower and vegetable seeds thus distributed was contained in more than 9,000,000 packages, and they were sufficient if planted to cover 89,596 acres of land.

In view of these facts this enormous expenditure without legitimate returns of benefit ought to be abolished. Anticipating a consummation so manifestly in the interest of good administration, more than $100,000 has been stricken from the estimate made to cover this object for the year ending June 30, 1895; and the Secretary recommends that the remaining $35,000 of the estimate be confined strictly to the purchase of new and improved varieties of seeds, and that these be distributed through experiment stations.

Thus the seed will be tested, and after the test has been completed by the experiment station the propagation of the useful varieties and the rejection of the valueless may safely be left to the common sense of the people.

The continued intelligent execution of the civil-service law and the increasing approval by the people of its operation are most gratifying. The recent extension of its limitations and regulations to the employees at free-delivery post-offices, which has been honestly and promptly accomplished by the Commission, with the hearty cooperation of the Postmaster-General, is an immensely important advance in the usefulness of the system.

I am, if possible, more than ever convinced of the incalculable benefits conferred by the civil-service law, not only in its effect upon the public service, but also, what is even more important, in its effect in elevating the tone of political life generally.

The course of civil-service reform in this country instructively and interestingly illustrates how strong a hold a movement gains upon our people which has underlying it a sentiment of justice and right and which at the same time promises better administration of their Government.

The law embodying this reform found its way to our statute book more from fear of the popular sentiment existing in its favor than from any love for the reform itself on the part of legislators, and it has lived and grown and flourished in spite of the covert as well as open hostility of spoilsmen and notwithstanding the querulous impracticability of many self-constituted guardians. Beneath all the vagaries and sublimated theories which are attracted to it there underlies this reform a sturdy common-sense principle not only suited to this mundane sphere, but whose application our people are more and more recognizing to be

absolutely essential to the most successful operation of their Government, if not to its perpetuity.

It seems to me to be entirely inconsistent with the character of this reform, as well as with its best enforcement, to oblige the Commission to rely for clerical assistance upon clerks detailed from other Departments. There ought not to be such a condition in any Department that clerks hired to do work there can be spared to habitually work at another place, and it does not accord with a sensible view of civil-service reform that persons should be employed on the theory that their labor is necessary in one Department when in point of fact their services are devoted to entirely different work in another Department.

I earnestly urge that the clerks necessary to carry on the work of the Commission be regularly put upon its roster and that the system of obliging the Commissioners to rely upon the services of clerks belonging to other Departments be discontinued. This ought not to increase the expense to the Government, while it would certainly be more consistent and add greatly to the efficiency of the Commission.

Economy in public expenditure is a duty that can not innocently be neglected by those intrusted with the control of money drawn from the people for public uses. It must be confessed that our apparently endless resources, the familiarity of our people with immense accumulations of wealth, the growing sentiment among them that the expenditure of public money should in some manner be to their immediate and personal advantage, the indirect and almost stealthy manner in which a large part of our taxes is exacted, and a degenerated sense of official accountability have led to growing extravagance in governmental appropriations.

At this time, when a depleted public Treasury confronts us, when many of our people are engaged in a hard struggle for the necessaries of life, and when enforced economy is pressing upon the great mass of our countrymen, I desire to urge with all the earnestness at my command that Congressional legislation be so limited by strict economy as to exhibit an appreciation of the condition of the Treasury and a sympathy with the straitened circumstances of our fellow-citizens.

The duty of public economy is also of immense importance in its intimate and necessary relation to the task now in hand of providing revenue to meet Government expenditures and yet reducing the people's burden of Federal taxation.

After a hard struggle tariff reform is directly before us. Nothing so important claims our attention and nothing so clearly presents itself as both an opportunity and a duty—an opportunity to deserve the gratitude of our fellow-citizens and a duty imposed upon us by our oft-repeated professions and by the emphatic mandate of the people. After full discussion our countrymen have spoken in favor of this reform, and they have confided the work of its accomplishment to the hands of those who are solemnly pledged to it.

If there is anything in the theory of a representation in public places of the people and their desires, if public officers are really the servants of the people, and if political promises and professions have any binding force, our failure to give the relief so long awaited will be sheer recreancy. Nothing should intervene to distract our attention or disturb our effort until this reform is accomplished by wise and careful legislation.

While we should stanchly adhere to the principle that only the necessity of revenue justifies the imposition of tariff duties and other Federal taxation and that they should be limited by strict economy, we can not close our eyes to the fact that conditions have grown up among us which in justice and fairness call for discriminating care in the distribution of such duties and taxation as the emergencies of our Government actually demand.

Manifestly if we are to aid the people directly through tariff reform, one of its most obvious features should be a reduction in present tariff charges upon the necessaries of life. The benefits of such a reduction would be palpable and substantial, seen and felt by thousands who would be better fed and better clothed and better sheltered. These gifts should be the willing benefactions of a Government whose highest function is the promotion of the welfare of the people.

Not less closely related to our people's prosperity and well-being is the removal of restrictions upon the importation of the raw materials necessary to our manufactures. The world should be open to our national ingenuity and enterprise. This can not be while Federal legislation through the imposition of high tariff forbids to American manufacturers as cheap materials as those used by their competitors. It is quite obvious that the enhancement of the price of our manufactured products resulting from this policy not only confines the market for these products within our own borders, to the direct disadvantage of our manufacturers, but also increases their cost to our citizens.

The interests of labor are certainly, though indirectly, involved in this feature of our tariff system. The sharp competition and active struggle among our manufacturers to supply the limited demand for their goods soon fill the narrow market to which they are confined. Then follows a suspension of work in mills and factories, a discharge of employees, and distress in the homes of our workingmen.

Even if the often-disproved assertion could be made good that a lower rate of wages would result from free raw materials and low tariff duties, the intelligence of our workmen leads them quickly to discover that their steady employment, permitted by free raw materials, is the most important factor in their relation to tariff legislation.

A measure has been prepared by the appropriate Congressional committee embodying tariff reform on the lines herein suggested, which will be promptly submitted for legislative action. It is the result of much patriotic and unselfish work, and I believe it deals with its subject consistently and as thoroughly as existing conditions permit.

I am satisfied that the reduced tariff duties provided for in the proposed legislation, added to existing internal-revenue taxation, will in the near future, though perhaps not immediately, produce sufficient revenue to meet the needs of the Government.

The committee, after full consideration and to provide against a temporary deficiency which may exist before the business of the country adjusts itself to the new tariff schedules, have wisely embraced in their plan a few additional internal-revenue taxes, including a small tax upon incomes derived from certain corporate investments.

These new adjustments are not only absolutely just and easily borne, but they have the further merit of being such as can be remitted without unfavorable business disturbance whenever the necessity of their imposition no longer exists.

In my great desire for the success of this measure I can not restrain the suggestion that its success can only be attained by means of unselfish counsel on the part of the friends of tariff reform and as a result of their willingness to subordinate personal desires and ambitions to the general good. The local interests affected by the proposed reform are so numerous and so varied that if all are insisted upon the legislation embodying the reform must inevitably fail.

In conclusion my intense feeling of responsibility impels me to invoke for the manifold interests of a generous and confiding people the most scrupulous care and to pledge my willing support to every legislative effort for the advancement of the greatness and prosperity of our beloved country.

GROVER CLEVELAND.

SPECIAL MESSAGES.

EXECUTIVE MANSION,
Washington, December 18, 1893.

To the Senate and House of Representatives:

In my recent annual message to the Congress I briefly referred to our relations with Hawaii and expressed the intention of transmitting further information on the subject when additional advices permitted.

Though I am not able now to report a definite change in the actual situation, I am convinced that the difficulties lately created both here and in Hawaii, and now standing in the way of a solution through Executive action of the problem presented, render it proper and expedient that the matter should be referred to the broader authority and discretion of Congress, with a full explanation of the endeavor thus far made to deal with the emergency and a statement of the considerations which have governed my action.

I suppose that right and justice should determine the path to be followed in treating this subject. If national honesty is to be disregarded and a desire for territorial extension or dissatisfaction with a form of government not our own ought to regulate our conduct, I have entirely misapprehended the mission and character of our Government and the behavior which the conscience of our people demands of their public servants.

When the present Administration entered upon its duties, the Senate had under consideration a treaty providing for the annexation of the Hawaiian Islands to the territory of the United States. Surely under our Constitution and laws the enlargement of our limits is a manifestation of the highest attribute of sovereignty, and if entered upon as an Executive act all things relating to the transaction should be clear and free from suspicion. Additional importance attached to this particular treaty of annexation because it contemplated a departure from unbroken American tradition in providing for the addition to our territory of islands of the sea more than 2,000 miles removed from our nearest coast.

These considerations might not of themselves call for interference with the completion of a treaty entered upon by a previous Administration, but it appeared from the documents accompanying the treaty when submitted to the Senate that the ownership of Hawaii was tendered to us by a Provisional Government set up to succeed the constitutional ruler of the islands, who had been dethroned, and it did not appear that such Provisional Government had the sanction of either popular revolution or suffrage. Two other remarkable features of the transaction naturally attracted attention. One was the extraordinary haste, not to say precipitancy, characterizing all the transactions connected with the treaty. It appeared that a so-called committee of safety, ostensibly the source of the revolt against the constitutional Government of Hawaii, was organized on Saturday, the 14th day of January; that on Monday, the 16th, the United States forces were landed at Honolulu from a naval vessel lying in its harbor; that on the 17th the scheme of a Provisional Government was perfected, and a proclamation naming its officers was on the same day prepared and read at the Government building; that immediately thereupon the United States minister recognized the Provisional Government thus created; that two days afterwards, on the 19th day of January, commissioners representing such Government sailed for this country in a steamer especially chartered for the occasion, arriving in San Francisco on the 28th day of January and in Washington on the 3d day of February; that on the next day they had their first interview with the Secretary of State, and another on the 11th, when the treaty of annexation was practically agreed upon, and that on the 14th it was formally concluded and on the 15th transmitted to the Senate. Thus between the initiation of the scheme for a Provisional Government in Hawaii

on the 14th day of January, and the submission to the Senate of the treaty of annexation concluded with such Government the entire interval was thirty-two days, fifteen of which were spent by the Hawaiian commissioners in their journey to Washington.

In the next place, upon the face of the papers submitted with the treaty it clearly appeared that there was open and undetermined an issue of fact of the most vital importance. The message of the President accompanying the treaty* declared that "the overthrow of the monarchy was not in any way promoted by this Government," and in a letter to the President from the Secretary of State, also submitted to the Senate with the treaty, the following passage occurs:

> At the time the Provisional Government took possession of the Government buildings no troops or officers of the United States were present or took any part whatever in the proceedings. No public recognition was accorded to the Provisional Government by the United States minister until after the Queen's abdication and when they were in effective possession of the Government buildings, the archives, the treasury, the barracks, the police station, and all the potential machinery of the Government.

But a protest also accompanied said treaty, signed by the Queen and her ministers at the time she made way for the Provisional Government, which explicitly stated that she yielded to the superior force of the United States, whose minister had caused United States troops to be landed at Honolulu and declared that he would support such Provisional Government.

The truth or falsity of this protest was surely of the first importance. If true, nothing but the concealment of its truth could induce our Government to negotiate with the semblance of a government thus created, nor could a treaty resulting from the acts stated in the protest have been knowingly deemed worthy of consideration by the Senate. Yet the truth or falsity of the protest had not been investigated.

I conceived it to be my duty, therefore, to withdraw the treaty from the Senate for examination, and meanwhile to cause an accurate, full, and impartial investigation to be made of the facts attending the subversion of the constitutional Government of Hawaii and the installment in its place of the Provisional Government. I selected for the work of investigation the Hon. James H. Blount, of Georgia, whose service of eighteen years as a member of the House of Representatives and whose experience as chairman of the Committee of Foreign Affairs in that body, and his consequent familiarity with international topics, joined with his high character and honorable reputation, seemed to render him peculiarly fitted for the duties intrusted to him. His report detailing his action under the instructions given to him and the conclusions derived from his investigation accompany this message.

These conclusions do not rest for their acceptance entirely upon Mr. Blount's honesty and ability as a man, nor upon his acumen and

*See pp. 5783-5784.

impartiality as an investigator. They are accompanied by the evidence upon which they are based, which evidence is also herewith transmitted, and from which it seems to me no other deductions could possibly be reached than those arrived at by the commissioner.

The report, with its accompanying proofs and such other evidence as is now before the Congress or is herewith submitted, justifies, in my opinion, the statement that when the President was led to submit the treaty to the Senate with the declaration that "the overthrow of the monarchy was not in any way promoted by this Government," and when the Senate was induced to receive and discuss it on that basis, both President and Senate were misled.

The attempt will not be made in this communication to touch upon all the facts which throw light upon the progress and consummation of this scheme of annexation. A very brief and imperfect reference to the facts and evidence at hand will exhibit its character and the incidents in which it had its birth.

It is unnecessary to set forth the reasons which in January, 1893, led a considerable proportion of American and other foreign merchants and traders residing at Honolulu to favor the annexation of Hawaii to the United States. It is sufficient to note the fact and to observe that the project was one which was zealously promoted by the minister representing the United States in that country. He evidently had an ardent desire that it should become a fact accomplished by his agency and during his ministry, and was not inconveniently scrupulous as to the means employed to that end. On the 19th day of November, 1892, nearly two months before the first overt act tending toward the subversion of the Hawaiian Government and the attempted transfer of Hawaiian territory to the United States, he addressed a long letter to the Secretary of State, in which the case for annexation was elaborately argued on moral, political, and economical grounds. He refers to the loss to the Hawaiian sugar interests from the operation of the McKinley bill and the tendency to still further depreciation of sugar property unless some positive measure of relief is granted. He strongly inveighs against the existing Hawaiian Government and emphatically declares for annexation. He says:

> In truth, the monarchy here is an absurd anachronism. It has nothing on which it logically or legitimately stands. The feudal basis on which it once stood no longer existing, the monarchy now is only an impediment to good government—an obstruction to the prosperity and progress of the islands.

He further says:

> As a Crown colony of Great Britain or a Territory of the United States the government modifications could be made readily and good administration of the law secured. Destiny and the vast future interests of the United States in the Pacific clearly indicate who at no distant day must be responsible for the government of these islands. Under a Territorial government they could be as easily governed as any of the existing territories of the United States. * * * Hawaii has reached

the parting of the ways. She must now take the road which leads to Asia, or the other, which outlets her in America, gives her an American civilization, and binds her to the care of American destiny.

He also declares:

One of two courses seems to me absolutely necessary to be followed—either bold and vigorous measures for annexation or a "customs union," an ocean cable from the Californian coast to Honolulu, Pearl Harbor perpetually ceded to the United States, with an implied but not expressly stipulated American protectorate over the islands. I believe the former to be the better, that which will prove much the more advantageous to the islands and the cheapest and least embarrassing in the end to the United States. If it was wise for the United States, through Secretary Marcy, thirty-eight years ago, to offer to expend $100,000 to secure a treaty of annexation, it certainly can not be chimerical or unwise to expend $100,000 to secure annexation in the near future. To-day the United States has five times the wealth she possessed in 1854, and the reasons now existing for annexation are much stronger than they were then. I can not refrain from expressing the opinion with emphasis that the golden hour is near at hand.

These declarations certainly show a disposition and condition of mind which may be usefully recalled when interpreting the significance of the minister's conceded acts or when considering the probabilities of such conduct on his part as may not be admitted.

In this view it seems proper to also quote from a letter written by the minister to the Secretary of State on the 8th day of March, 1892, nearly a year prior to the first step taken toward annexation. After stating the possibility that the existing Government of Hawaii might be overturned by an orderly and peaceful revolution, Minister Stevens writes as follows:

Ordinarily, in like circumstances, the rule seems to be to limit the landing and movement of United States forces in foreign waters and dominion exclusively to the protection of the United States legation and of the lives and property of American citizens; but as the relations of the United States to Hawaii are exceptional, and in former years the United States officials here took somewhat exceptional action in circumstances of disorder, I desire to know how far the present minister and naval commander may deviate from established international rules and precedents in the contingencies indicated in the first part of this dispatch.

To a minister of this temper, full of zeal for annexation, there seemed to arise in January, 1893, the precise opportunity for which he was watchfully waiting—an opportunity which by timely "deviation from established international rules and precedents" might be improved to successfully accomplish the great object in view; and we are quite prepared for the exultant enthusiasm with which, in a letter to the State Department dated February 1, 1893, he declares:

The Hawaiian pear is now fully ripe, and this is the golden hour for the United States to pluck it.

As a further illustration of the activity of this diplomatic representative, attention is called to the fact that on the day the above letter was written, apparently unable longer to restrain his ardor, he issued a proclamation whereby, "in the name of the United States," he assumed the

protection of the Hawaiian Islands and declared that said action was "taken pending and subject to negotiations at Washington." Of course this assumption of a protectorate was promptly disavowed by our Government, but the American flag remained over the Government building at Honolulu and the forces remained on guard until April, and after Mr. Blount's arrival on the scene, when both were removed.

A brief statement of the occurrences that led to the subversion of the constitutional Government of Hawaii in the interests of annexation to the United States will exhibit the true complexion of that transaction.

On Saturday, January 14, 1893, the Queen of Hawaii, who had been contemplating the proclamation of a new constitution, had, in deference to the wishes and remonstrances of her cabinet, renounced the project for the present at least. Taking this relinquished purpose as a basis of action, citizens of Honolulu numbering from fifty to one hundred, mostly resident aliens, met in a private office and selected a so-called committee of safety, composed of thirteen persons, seven of whom were foreign subjects, and consisted of five Americans, one Englishman, and one German. This committee, though its designs were not revealed, had in view nothing less than annexation to the United States, and between Saturday, the 14th, and the following Monday, the 16th of January—though exactly what action was taken may not be clearly disclosed—they were certainly in communication with the United States minister. On Monday morning the Queen and her cabinet made public proclamation, with a notice which was specially served upon the representatives of all foreign governments, that any changes in the constitution would be sought only in the methods provided by that instrument. Nevertheless, at the call and under the auspices of the committee of safety, a mass meeting of citizens was held on that day to protest against the Queen's alleged illegal and unlawful proceedings and purposes. Even at this meeting the committee of safety continued to disguise their real purpose and contented themselves with procuring the passage of a resolution denouncing the Queen and empowering the committee to devise ways and means "to secure the permanent maintenance of law and order and the protection of life, liberty, and property in Hawaii." This meeting adjourned between 3 and 4 o'clock in the afternoon. On the same day, and immediately after such adjournment, the committee, unwilling to take further steps without the cooperation of the United States minister, addressed him a note representing that the public safety was menaced and that lives and property were in danger, and concluded as follows:

> We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces.

Whatever may be thought of the other contents of this note, the absolute truth of this latter statement is incontestable. When the note was written and delivered the committee, so far as it appears, had neither a man nor a gun at their command, and after its delivery they became so

panic-stricken at their position that they sent some of their number to interview the minister and request him not to land the United States forces till the next morning. But he replied that the troops had been ordered and whether the committee were ready or not the landing should take place. And so it happened that on the 16th day of January, 1893, between 4 and 5 o'clock in the afternoon, a detachment of marines from the United States steamer *Boston*, with two pieces of artillery, landed at Honolulu. The men, upward of 160 in all, were supplied with double cartridge belts filled with ammunition and with haversacks and canteens, and were accompanied by a hospital corps with stretchers and medical supplies.

This military demonstration upon the soil of Honolulu was of itself an act of war, unless made either with the consent of the Government of Hawaii or for the *bona fide* purpose of protecting the imperiled lives and property of citizens of the United States. But there is no pretense of any such consent on the part of the Government of the Queen, which at that time was undisputed and was both the *de facto* and the *de jure* Government. In point of fact the existing Government, instead of requesting the presence of an armed force, protested against it. There is as little basis for the pretense that such forces were landed for the security of American life and property. If so, they would have been stationed in the vicinity of such property and so as to protect it, instead of at a distance and so as to command the Hawaiian Government building and palace. Admiral Skerrett, the officer in command of our naval force on the Pacific station, has frankly stated that in his opinion the location of the troops was inadvisable if they were landed for the protection of American citizens, whose residences and places of business, as well as the legation and consulate, were in a distant part of the city; but the location selected was a wise one if the forces were landed for the purpose of supporting the Provisional Government. If any peril to life and property calling for any such martial array had existed, Great Britain and other foreign powers interested would not have been behind the United States in activity to protect their citizens. But they made no sign in that direction. When these armed men were landed the city of Honolulu was in its customary orderly and peaceful condition. There was no symptom of riot or disturbance in any quarter. Men, women, and children were about the streets as usual, and nothing varied the ordinary routine or disturbed the ordinary tranquillity except the landing of the *Boston's* marines and their march through the town to the quarters assigned them. Indeed, the fact that after having called for the landing of the United States forces on the plea of danger to life and property the committee of safety themselves requested the minister to postpone action exposed the untruthfulness of their representations of present peril to life and property. The peril they saw was an anticipation growing out of guilty intentions on their part and something which, though not then existing, they knew

would certainly follow their attempt to overthrow the Government of the Queen without the aid of the United States forces.

Thus it appears that Hawaii was taken possession of by the United States forces without the consent or wish of the Government of the islands, or of anybody else so far as shown except the United States minister. Therefore the military occupation of Honolulu by the United States on the day mentioned was wholly without justification, either as an occupation by consent or as an occupation necessitated by dangers threatening American life and property. It must be accounted for in some other way and on some other ground, and its real motive and purpose are neither obscure nor far to seek.

The United States forces being now on the scene and favorably stationed, the committee proceeded to carry out their original scheme. They met the next morning, Tuesday, the 17th, perfected the plan of temporary government, and fixed upon its principal officers, ten of whom were drawn from the thirteen members of the committee of safety. Between 1 and 2 o'clock, by squads and by different routes to avoid notice, and having first taken the precaution of ascertaining whether there was anyone there to oppose them, they proceeded to the Government building to proclaim the new Government. No sign of opposition was manifest, and thereupon an American citizen began to read the proclamation from the steps of the Government building, almost entirely without auditors. It is said that before the reading was finished quite a concourse of persons, variously estimated at from 50 to 100, some armed and some unarmed, gathered about the committee to give them aid and confidence. This statement is not important, since the one controlling factor in the whole affair was unquestionably the United States marines, who, drawn up under arms and with artillery in readiness only 76 yards distant, dominated the situation.

The Provisional Government thus proclaimed was by the terms of the proclamation "to exist until terms of union with the United States had been negotiated and agreed upon." The United States minister, pursuant to prior agreement, recognized this Government within an hour after the reading of the proclamation, and before 5 o'clock, in answer to an inquiry on behalf of the Queen and her cabinet, announced that he had done so.

When our minister recognized the Provisional Government, the only basis upon which it rested was the fact that the committee of safety had in the manner above stated declared it to exist. It was neither a government *de facto* nor *de jure*. That it was not in such possession of the Government property and agencies as entitled it to recognition is conclusively proved by a note found in the files of the legation at Honolulu, addressed by the declared head of the Provisional Government to Minister Stevens, dated January 17, 1893, in which he acknowledges with expressions of appreciation the minister's recognition of the Provisional

Government, and states that it is not yet in the possession of the station house (the place where a large number of the Queen's troops were quartered), though the same had been demanded of the Queen's officers in charge. Nevertheless, this wrongful recognition by our minister placed the Government of the Queen in a position of most perilous perplexity. On the one hand she had possession of the palace, of the barracks, and of the police station, and had at her command at least 500 fully armed men and several pieces of artillery. Indeed, the whole military force of her Kingdom was on her side and at her disposal, while the committee of safety, by actual search, had discovered that there were but very few arms in Honolulu that were not in the service of the Government.

In this state of things, if the Queen could have dealt with the insurgents alone, her course would have been plain and the result unmistakable. But the United States had allied itself with her enemies, had recognized them as the true Government of Hawaii, and had put her and her adherents in the position of opposition against lawful authority. She knew that she could not withstand the power of the United States, but she believed that she might safely trust to its justice. Accordingly, some hours after the recognition of the Provisional Government by the United States minister, the palace, the barracks, and the police station, with all the military resources of the country, were delivered up by the Queen upon the representation made to her that her cause would thereafter be reviewed at Washington, and while protesting that she surrendered to the superior force of the United States, whose minister had caused United States troops to be landed at Honolulu and declared that he would support the Provisional Government, and that she yielded her authority to prevent collision of armed forces and loss of life, and only until such time as the United States, upon the facts being presented to it, should undo the action of its representative and reinstate her in the authority she claimed as the constitutional sovereign of the Hawaiian Islands.

This protest was delivered to the chief of the Provisional Government, who indorsed thereon his acknowledgment of its receipt. The terms of the protest were read without dissent by those assuming to constitute the Provisional Government, who were certainly charged with the knowledge that the Queen, instead of finally abandoning her power, had appealed to the justice of the United States for reinstatement in her authority; and yet the Provisional Government, with this unanswered protest in its hand, hastened to negotiate with the United States for the permanent banishment of the Queen from power and for a sale of her Kingdom.

Our country was in danger of occupying the position of having actually set up a temporary government on foreign soil for the purpose of acquiring through that agency territory which we had wrongfully put in its possession. The control of both sides of a bargain acquired in such a manner is called by a familiar and unpleasant name when found in private transactions. We are not without a precedent showing how scrupulously

we avoided such accusations in former days. After the people of Texas had declared their independence of Mexico they resolved that on the acknowledgment of their independence by the United States they would seek admission into the Union. Several months after the battle of San Jacinto, by which Texan independence was practically assured and established, President Jackson declined to recognize it, alleging as one of his reasons that in the circumstances it became us "to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves." This is in marked contrast with the hasty recognition of a government openly and concededly set up for the purpose of tendering to us territorial annexation.

I believe that a candid and thorough examination of the facts will force the conviction that the Provisional Government owes its existence to an armed invasion by the United States. Fair-minded people, with the evidence before them, will hardly claim that the Hawaiian Government was overthrown by the people of the islands or that the Provisional Government had ever existed with their consent. I do not understand that any member of this Government claims that the people would uphold it by their suffrages if they were allowed to vote on the question.

While naturally sympathizing with every effort to establish a republican form of government, it has been the settled policy of the United States to concede to people of foreign countries the same freedom and independence in the management of their domestic affairs that we have always claimed for ourselves, and it has been our practice to recognize revolutionary governments as soon as it became apparent that they were supported by the people. For illustration of this rule I need only to refer to the revolution in Brazil in 1889, when our minister was instructed to recognize the Republic "so soon as a majority of the people of Brazil should have signified their assent to its establishment and maintenance;" to the revolution in Chile in 1891, when our minister was directed to recognize the new Government "if it was accepted by the people," and to the revolution in Venezuela in 1892, when our recognition was accorded on condition that the new Government was "fully established, in possession of the power of the nation, and accepted by the people."

As I apprehend the situation, we are brought face to face with the following conditions:

The lawful Government of Hawaii was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may safely be asserted, is directly traceable to and dependent for its success upon the agency of the United States acting through its diplomatic and naval representatives.

But for the notorious predilections of the United States minister for annexation the committee of safety, which should be called the committee of annexation, would never have existed.

But for the landing of the United States forces upon false pretexts respecting the danger to life and property the committee would never have exposed themselves to the pains and penalties of treason by undertaking the subversion of the Queen's Government.

But for the presence of the United States forces in the immediate vicinity and in position to afford all needed protection and support the committee would not have proclaimed the Provisional Government from the steps of the Government building.

And finally, but for the lawless occupation of Honolulu under false pretexts by the United States forces, and but for Minister Stevens's recognition of the Provisional Government when the United States forces were its sole support and constituted its only military strength, the Queen and her Government would never have yielded to the Provisional Government, even for a time and for the sole purpose of submitting her case to the enlightened justice of the United States.

Believing, therefore, that the United States could not, under the circumstances disclosed, annex the islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration, and in the instructions to Minister Willis, a copy of which accompanies this message, I have directed him to so inform the Provisional Government.

But in the present instance our duty does not, in my opinion, end with refusing to consummate this questionable transaction. It has been the boast of our Government that it seeks to do justice in all things without regard to the strength or weakness of those with whom it deals. I mistake the American people if they favor the odious doctrine that there is no such thing as international morality; that there is one law for a strong nation and another for a weak one, and that even by indirection a strong power may with impunity despoil a weak one of its territory.

By an act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair. The Provisional Government has not assumed a republican or other constitutional form, but has remained a mere executive council or oligarchy, set up without the assent of the people. It has not sought to find a permanent basis of popular support and has given no evidence of an intention to do so. Indeed, the representatives of that Government assert that the people of Hawaii are unfit for popular government and frankly avow that they can be best ruled by arbitrary or despotic power.

The law of nations is founded upon reason and justice, and the rules of conduct governing individual relations between citizens or subjects of a civilized state are equally applicable as between enlightened nations.

The considerations that international law is without a court for its enforcement and that obedience to its commands practically depends upon good faith instead of upon the mandate of a superior tribunal only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong, but as a disgrace. A man of true honor protects the unwritten word which binds his conscience more scrupulously, if possible, than he does the bond a breach of which subjects him to legal liabilities, and the United States, in aiming to maintain itself as one of the most enlightened nations, would do its citizens gross injustice if it applied to its international relations any other than a high standard of honor and morality. On that ground the United States can not properly be put in the position of countenancing a wrong after its commission any more than in that of consenting to it in advance. On that ground it can not allow itself to refuse to redress an injury inflicted through an abuse of power by officers clothed with its authority and wearing its uniform; and on the same ground, if a feeble but friendly state is in danger of being robbed of its independence and its sovereignty by a misuse of the name and power of the United States, the United States can not fail to vindicate its honor and its sense of justice by an earnest effort to make all possible reparation.

These principles apply to the present case with irresistible force when the special conditions of the Queen's surrender of her sovereignty are recalled. She surrendered, not to the Provisional Government, but to the United States. She surrendered, not absolutely and permanently, but temporarily and conditionally until such time as the facts could be considered by the United States. Furthermore, the Provisional Government acquiesced in her surrender in that manner and on those terms, not only by tacit consent, but through the positive acts of some members of that Government, who urged her peaceable submission, not merely to avoid bloodshed, but because she could place implicit reliance upon the justice of the United States and that the whole subject would be finally considered at Washington.

I have not, however, overlooked an incident of this unfortunate affair which remains to be mentioned. The members of the Provisional Government and their supporters, though not entitled to extreme sympathy, have been led to their present predicament of revolt against the Government of the Queen by the indefensible encouragement and assistance of our diplomatic representative. This fact may entitle them to claim that in our effort to rectify the wrong committed some regard should be had for their safety. This sentiment is strongly seconded by my anxiety to do nothing which would invite either harsh retaliation on the part of the Queen or violence and bloodshed in any quarter. In the belief that the Queen, as well as her enemies, would be willing to adopt such a course as would meet these conditions, and in view of the fact that both the Queen and the Provisional Government had at one time apparently

acquiesced in a reference of the entire case to the United States Government, and considering the further fact that in any event the Provisional Government by its own declared limitation was only "to exist until terms of union with the United States of America have been negotiated and agreed upon," I hoped that after the assurance to the members of that Government that such union could not be consummated I might compass a peaceful adjustment of the difficulty.

Actuated by these desires and purposes, and not unmindful of the inherent perplexities of the situation nor of the limitations upon my power, I instructed Minister Willis to advise the Queen and her supporters of my desire to aid in the restoration of the status existing before the lawless landing of the United States forces at Honolulu on the 16th of January last if such restoration could be effected upon terms providing for clemency as well as justice to all parties concerned. The conditions suggested, as the instructions show, contemplate a general amnesty to those concerned in setting up the Provisional Government and a recognition of all its *bona fide* acts and obligations. In short, they require that the past should be buried and that the restored Government should reassume its authority as if its continuity had not been interrupted These conditions have not proved acceptable to the Queen, and though she has been informed that they will be insisted upon and that unless acceded to the efforts of the President to aid in the restoration of her Government will cease, I have not thus far learned that she is willing to yield them her acquiescence. The check which my plans have thus encountered has prevented their presentation to the members of the Provisional Government, while unfortunate public misrepresentations of the situation and exaggerated statements of the sentiments of our people have obviously injured the prospects of successful Executive mediation.

I therefore submit this communication, with its accompanying exhibits, embracing Mr. Blount's report, the evidence and statements taken by him at Honolulu, the instructions given to both Mr. Blount and Minister Willis, and correspondence connected with the affair in hand.

In commending this subject to the extended powers and wide discretion of the Congress I desire to add the assurance that I shall be much gratified to cooperate in any legislative plan which may be devised for the solution of the problem before us which is consistent with American honor, integrity, and morality.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 18, 1893.

To the Senate of the United States:

In compliance with a resolution passed by the Senate on the 6th instant, I hereby transmit reports of the Secretaries of State and of the Navy, with copies of all instructions given to the respective diplomatic

and naval representatives of the United States in the Hawaiian Islands since the 4th day of March, 1881, touching the matters specified in the resolution.

It has seemed convenient to include in the present communication to the Senate copies of the diplomatic correspondence concerning the political condition of Hawaii, prepared for transmission to the House of Representatives in response to a later resolution passed by that body on the 13th instant.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 18, 1893.

To the House of Representatives:

In compliance with a resolution passed by your honorable body on the 13th instant, I hereby transmit a report of the Secretary of State, with copies of the instructions given to Mr. Albert S. Willis, the representative of the United States now in the Hawaiian Islands, and also the correspondence since the 4th day of March, 1889, concerning the relations of this Government to those islands.

In making this communication I have withheld only a dispatch from the former minister to Hawaii, numbered 70, under date of October 8, 1892, and a dispatch from the present minister, numbered 3, under date of November 16, 1893, because in my opinion the publication of these two papers would be incompatible with the public interest.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 4, 1894.*

To the Senate of the United States:

I transmit herewith a report of the Secretary of State, submitted in compliance with the resolution of October 17 last, in the matter of the claim of certain persons against the Government of Spain for illegal arrest off the coast of Yucatan in the year 1850, and subsequent imprisonment.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 13, 1894.*

To the Congress:

I transmit herewith copies of all dispatches from our minister at Hawaii relating in any way to political affairs in that country, except such as have been heretofore laid before the Congress.

I also transmit a copy of the last instructions sent to our minister, dated January 12, 1894, being the only instructions to him not already sent to the Congress.

In transmitting certain correspondence with my message dated December 18, 1893, I withheld a dispatch from our present minister, numbered 3

and dated November 16, 1893, and also a dispatch from our former minister, numbered 70 and dated October 8, 1892. Inasmuch as the contents of the dispatch of November 16, 1893, are referred to in the dispatches of a more recent date, now sent to Congress, and inasmuch as there seems no longer to be sufficient reason for withholding said dispatch, a copy of the same is herewith submitted. The dispatch numbered 70 and dated October 8, 1892, above referred to, is still withheld for the reason that such a course still appears to be justifiable and proper.

GROVER CLEVELAND.

To the Congress:

EXECUTIVE MANSION, *January 20, 1894.*

I transmit herewith dispatches received yesterday from our minister at Hawaii, with certain correspondence which accompanied the same, including a most extraordinary letter, dated December 27, 1893, signed by Sanford B. Dole, minister of foreign affairs of the Provisional Government, addressed to our minister, Mr. Willis, and delivered to him a number of hours after the arrival at Honolulu of a copy of my message to Congress on the Hawaiian question, with copies of instructions given to our minister.

GROVER CLEVELAND.

To the Congress:

EXECUTIVE MANSION, *January 22, 1894.*

I transmit herewith copies of dispatches received from our minister to Hawaii after the arrival of those copies which accompanied my message of the 20th instant. I also inclose, for the information of Congress, copies of reports and a copy of an order just received by the Secretary of the Navy from Rear-Admiral Irwin, commanding our naval forces at Honolulu.

GROVER CLEVELAND.

To the Congress:

EXECUTIVE MANSION, *February 2, 1894.*

I transmit a communication from the Secretary of State, accompanying a dispatch received a few days ago from our minister at Hawaii.

GROVER CLEVELAND.

To the Congress:

EXECUTIVE MANSION,
Washington, February 12, 1894.

I transmit herewith two dispatches received a few days ago from our minister at Hawaii, and a reply to one of them from the Secretary of State, in which a correct version is given of an interview which occurred November 14, 1893, between the Secretary of State and Mr. Thurston, representing the Provisional Government at Washington.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 16, 1894.*

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, a communication from the Secretary of State, covering the report of the Director of the Bureau of the American Republics for the year 1893.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 19, 1894.*

To the House of Representatives:

I herewith transmit copies of certain dispatches recently received from our minister at Honolulu.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 19, 1894.*

To the Senate:

On the evening of the 16th instant I received a copy of a resolution passed by the Senate, requesting the transmission to that body of all reports and dispatches from our minister at Hawaii, and especially a certain letter written to him by Mr. Dole, President of the Provisional Government.

On the same day I received from the State Department a copy of a dispatch from Minister Willis, accompanied by various exhibits. I was not able to send them to the Senate on that day. The Senate adjourned that afternoon until to-day, and thus prevented the submission until now of these papers.

The next day after the receipt of the Senate resolution, and on the 17th instant, other dispatches were received from Mr. Willis at the State Department. They were copied with all possible haste, and are now submitted at the first meeting of the Senate since their receipt. They include the letter mentioned in the Senate resolution and the answer of Minister Willis to the same.

Since the 18th day of December last, when I submitted to the "broader authority and discretion of the Congress" all matters connected with our relations with Hawaii, I have with the utmost promptness transmitted to the Congress all dispatches and reports relative to the subject, and I am not aware of any dispatches or documents in the remotest way connected with these relations which have come to the possession of the State Department or the Executive and been withheld from the Senate.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 7, 1894.

To the Senate of the United States:

I transmit herewith a report submitted by the Secretary of State in response to the resolution of the Senate dated January 23, 1894, requesting

communication of correspondence exchanged between the Government of the United States and the Governments of Colombia, Venezuela, and Hayti.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 7, 1894.*

To the Congress:

I transmit herewith copies of certain dispatches lately received from our minister at Hawaii, together with copies of the inclosures which accompanied such dispatches.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 8, 1894.*

To the Senate of the United States:

I transmit herewith a report furnished by the Secretary of State in response to a resolution of the Senate of the 1st instant, making inquiry respecting the present condition of the *Virginius* indemnity fund.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., March 14, 1894.

To the Senate:

I herewith transmit a report* of the Secretary of State of the 14th instant, concerning the several inquiries in the resolution of the Senate addressed to him under date of the 9th instant.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 19, 1894.

To the Senate:

I transmit herewith, with a view to its ratification, a convention concluded at this capital on the 17th instant between the United States and China concerning the subject of emigration between those two countries.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 19, 1894.

To the Senate:

I transmit herewith a report from the Secretary of State, concerning the landing of British troops at Bluefields, Nicaragua, in answer to the resolution of the Senate of the 7th instant on that subject.

GROVER CLEVELAND.

*Relating to the coined silver money and the products of India, Russia, and the Argentine Republic.

EXECUTIVE MANSION, *March 19, 1894.*

To the Congress:

I transmit herewith a copy of a dispatch received from our minister at Hawaii, together with copies of the inclosures which accompanied said dispatch.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 3, 1894.

To the Senate:

I transmit herewith report from the Secretary of State, inclosing the final report of the agent of the United States before the Paris Tribunal, also the protocols thus far received and certain other papers relating to that arbitration.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 13, 1894.

To the Congress:

I transmit herewith copies of certain dispatches from the United States minister at Honolulu, received by the Secretary of State since my message of March 19, 1894.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 21, 1894.

To the Congress:

I transmit herewith a communication from the Secretary of State, covering a dispatch from the United States minister at Honolulu and reply thereto.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., May 1, 1894.

To the Senate and House of Representatives:

I transmit herewith the ninth annual report of the Commissioner of Labor. This report relates entirely to building and loan associations in the United States.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 9, 1894.

To the Senate of the United States:

I transmit herewith, in response to the resolution of the Senate of April 6, 1894, a report of the Secretary of State, containing the requested information as to the present condition of affairs in the Samoan Islands, with copies of the correspondence in relation thereto, including that with the Governments of Great Britain and Germany.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 9, 1894.

To the Congress:

I transmit herewith a communication from the Secretary of State, in regard to recent dispatches from the United States minister at Honolulu, received since my message of April 21, 1894, and also a dispatch from the minister dated April 14, 1894.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 29, 1894.

To the Congress:

I herewith transmit, having regard to my message of May 9, 1894, a communication from the Secretary of State, covering a dispatch from the United States minister at Honolulu.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, June 20, 1894.

To the Senate:

I transmit herewith, in response to the resolution of the Senate of December 20, 1893, a report from the Acting Secretary of State, covering the desired copies of correspondence in the matter of the claim of Antonio Maximo Mora against Spain.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, June 23, 1894.

To the Congress:

I herewith transmit a communication covering dispatches from the United States minister at Honolulu.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 25, 1894.*

To the Senate and House of Representatives:

The shocking intelligence has been received that the President of the French Republic met his death yesterday at the hands of an assassin. This terrible event which has overtaken a sister Republic can not fail to deeply arouse the sympathies of the American nation, while the violent termination of a career promising so much in aid of liberty and advancing civilization should be mourned as an affliction to mankind.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 29, 1894.*

To the Senate of the United States:

Answering a resolution of your honorable body dated the 13th instant, I transmit herewith a report* of the Secretary of State, with an

* Relating to the probable retaliatory action of foreign governments for the proposed imposition by the United States of a duty on sugar.

accompanying document, which contain all the information in my possession touching the matters embraced in said resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, July 9, 1894.

To the Senate:

I transmit herewith, in further response to the Senate resolution of April 6, 1894, a report from the Secretary of State, accompanied by copies of certain correspondence relating to Samoan affairs.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 19, 1894.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 18th instant, the House of Representatives concurring, I return herewith the bill (S. 1105) entitled "An act for the relief of Albert Redstone."

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, July 24, 1894.

To the Congress:

I herewith transmit a communication from the Secretary of State, covering a dispatch from the United States minister at Honolulu.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., July 27, 1894.

To the Senate and House of Representatives:

I transmit herewith the seventh special report of the Commissioner of Labor. This report relates to what is generally known as the slums of cities, and has been prepared in accordance with a joint resolution approved July 20, 1892.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, July 30, 1894.

To the Congress:

I herewith transmit a communication from the Secretary of State, covering two dispatches from the United States minister at Honolulu.

GROVER CLEVELAND

VETO MESSAGES.

EXECUTIVE MANSION, *January 17, 1894.*

To the House of Representatives:

I return without my approval House bill No. 71, entitled "An act for the relief of purchasers of timber and stone lands under the act of June 3, 1878."

This bill permits the proofs and affidavits which under present statutes parties desiring to acquire certain public lands are required to make before the registers and receivers of the land offices within which such lands are located to be made before any commissioner of the United States circuit court or before the judge or clerk of any court of records of the county or parish in which the lands are situated.

A similar bill was passed by the Fifty-second Congress and was disapproved by the Commissioner of the General Land Office and the Secretary of the Interior. The successors of these officers oppose the present bill on the ground that in its operation it would open the door to fraud and to a perversion of the intentions of the Government in relation to the public lands.

It is difficult, with the most scrupulous care, to guard the alienation of our public lands from fraud and illegal practices. It is perfectly plain, however, that the prospect of accomplishing this result is better under present laws, which require the necessary proofs to be made before land officers who are appointed for that purpose and who are under the control of the General Land Office and amenable to its regulations, than it would be by substituting other officers over whom the Land Office has no control.

Certain rules and orders of the Land Office are now in force which regulate the taking of the necessary proofs and permit oral examinations by registers and receivers. These regulations are of the utmost importance if our land laws are to be justly and honestly administered.

I fully concur in the objections made to this bill by the officers having charge of the public lands in the last Administration and by their successors who are now charged with that responsibility. I am convinced that such a relaxation of our existing land laws as is contemplated by the bill under consideration would not be in the interest of good administration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 20, 1894.*

To the House of Representatives:

I hereby return without my approval House bill No. 3289, entitled "An act to authorize the New York and New Jersey Bridge Companies

to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey."

This bill authorizes the construction of a bridge over the North River between the States of New York and New Jersey, the terminus of which in the city of New York shall not be below Sixty-sixth street. It contemplates the construction of a bridge upon piers placed in the river. No mention is made of a single span crossing the entire river, nor is there anything in the bill indicating that it was within the intention of the Congress that there should be a bridge built without piers. I am by no means certain that the Secretary of War, who is invested by the terms of the bill with considerable discretion so far as the plans for the structure are concerned, would have the right to exact of the promoters of this enterprise the erection of a bridge spanning the entire river.

Much objection has been made to the location of any piers in the river for the reason that they would seriously interfere with the commerce which seeks the port of New York through that channel. It is certainly very questionable whether piers should be permitted at all in the North River at the point designated for the location of this bridge. It seems absolutely certain that within a few years a great volume of shipping will extend to that location, which would be seriously embarrassed by such obstruction.

I appreciate fully the importance of securing some means by which railroad traffic can cross this river, and no one can fail to realize the serious inconvenience to travel caused by lack of facilities of that character. At the same time, it is a plain dictate of wisdom and expediency that the commerce of the river be not unnecessarily interfered with by bridges or in any other manner.

Engineers whose judgment upon the matter can not be questioned, including the engineer of the company proposing to build this bridge, have expressed the opinion that the entire river can be spanned safely and effectively by a suspension bridge, or a construction not needing the use of piers.

The company to which the permission to bridge the river is granted in the bill under consideration was created by virtue of an act of the legislature of the State of New York which became a law, by reason of the failure of the governor to either approve or veto the same, on the 30th day of April, 1890. It may be safely assumed that the members of the legislature which passed this law knew what was necessary for the protection of the commerce of the city of New York and had informed themselves concerning the plan of a bridge that should be built in view of all the interests concerned.

By paragraph 24 of the law creating this company it is provided that "the said bridge shall be constructed with a single span over the entire river between towers or piers located between the span and the existing pier-head lines in either State," and that "no pier or tower or other

obstruction of a permanent character shall be placed or built in the river between said towers or piers under this act."

In view of such professional judgment, and considering the interests which would be interfered with by the location of piers in the river, and having due regard to the judgment of the legislature of the State of New York, it seems to me that a plan necessitating the use of piers in the bed of the river should be avoided. The question of increased expense of construction or the compromise of conflicting interests should not outweigh the other important considerations involved.

I notice the bill provides that the companies availing themselves of its privileges shall receive no greater pay for transporting the mails across the bridge than is allowed per mile to railroads using the same. If this is intended, as the language seems to import, to authorize this bridge company to charge the United States Government a toll for the carriage of its mails across the bridge equal to the amount which may be paid per mile by the Government for carrying the mails by railroads crossing the bridge, it seems to me it should not be allowed. The expense to the Government for carrying the mails over the structure should beyond any doubt be limited to the compensation paid the railroads for transportation.

An exceedingly important objection to the bill remains to be considered. In 1890 the North River Bridge Company was incorporated by an act of Congress for the purpose of constructing a bridge across the North River, the New York terminus of which was located at or near Twenty-third street in the city of New York. The proposition to construct the bridge at that point was a subject very carefully and thoroughly examined at that time and during the agitation of the project for a number of years prior to the passage of the act. As a result of such examination and much discussion, Congress granted permission to this company to construct a bridge having a single span and suspended from towers on each side of the river, and in the act especially prohibited the placing of any piers in the river, either of a temporary or of a permanent character, in connection with said bridge. This plan to bridge the river without piers was at that time considered feasible by the engineers of the company, and it accepted the terms of the act. Before this permission was finally granted a number of bills were introduced in the Congress covering the same subject, which were referred to Government engineers. Reports were made by these officers in every case insisting upon a construction with a single span and without piers in the bed of the river.

The eighth subdivision of the bill herewith returned provides that any company heretofore created for the purpose of bridging the river may avail itself of the provisions of the act, and makes such company subject to all its provisions. This, of course, has reference to the North River Bridge Company and releases that company from the prohibition of the act under which it was permitted to span the river and permits it to

construct piers in the river. It seems to me that the language of the bill under consideration, so far as it relates to this particular feature, is equivalent to a new grant to that company, differing very materially from the grant which was thought expedient at the time it was before the Congress, and removes the guaranty that in the construction of its bridge there shall be no obstructions in the river such as were especially guarded against by the bill originally passed for its benefit. In effect a new charter is granted to a company not named in the bill, and with no apparent reason for the important enlargement of its privileges thus accomplished. It is entirely apparent that the reasons against obstructions in the North River which might interfere with commerce and navigation and the beneficial use of the harbor of New York are immensely strengthened when they are applied to a location in the river far below the location of the bridge which is permitted in the bill now before me.

Whatever question there may be about the injurious character of the obstruction at Sixty-sixth street in New York City, I believe there can be no doubt whatever that piers placed in the river more than 2 miles below, at Twenty-third street, would be very serious impediments. If this thoroughfare, so important to the commerce of the country and the State of New York, is to be crossed by bridges, each scheme for that purpose should be considered by itself and its merits and advisability determined by the circumstances which naturally belong to it. The objection to piers in the river for the purpose of supporting bridges is in any event so serious that the considerations which would determine the question of a bridge located at Sixty-sixth street ought not in such an indirect manner as is done by this bill be applied to a like structure at Twenty-third street.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 29, 1894.*

To the House of Representatives:

I return without my approval House bill No. 4956, entitled "An act directing the coinage of the silver bullion held in the Treasury, and for other purposes."

My strong desire to avoid disagreement with those in both Houses of Congress who have supported this bill would lead me to approve it if I could believe that the public good would not be thereby endangered and that such action on my part would be a proper discharge of official duty. Inasmuch, however, as I am unable to satisfy myself that the proposed legislation is either wise or opportune, my conception of the obligations and responsibilities attached to the great office I hold forbids the indulgence of my personal desire and inexorably confines me to that course which is dictated by my reason and judgment and pointed out by a sincere purpose to protect and promote the general interests of our people.

The financial disturbance which swept over the country during the

last year was unparalleled in its severity and disastrous consequences. There seemed to be almost an entire displacement of faith in our financial ability and a loss of confidence in our fiscal policy. Among those who attempted to assign causes for our distress it was very generally conceded that the operation of a provision of law then in force which required the Government to purchase monthly a large amount of silver bullion and issue its notes in payment therefor was either entirely or to a large extent responsible for our condition. This led to the repeal on the 1st day of November, 1893, of this statutory provision.

We had, however, fallen so low in the depths of depression and timidity and apprehension had so completely gained control in financial circles that our rapid recuperation could not be reasonably expected. Our recovery has, nevertheless, steadily progressed, and though less than five months have elapsed since the repeal of the mischievous silver-purchase requirement a wholesome improvement is unmistakably apparent. Confidence in our absolute solvency is to such an extent reinstated and faith in our disposition to adhere to sound financial methods is so far restored as to produce the most encouraging results both at home and abroad. The wheels of domestic industry have been slowly set in motion and the tide of foreign investment has again started in our direction.

Our recovery being so well under way, nothing should be done to check our convalescence; nor should we forget that a relapse at this time would almost surely reduce us to a lower stage of financial distress than that from which we are just emerging.

I believe that if the bill under consideration should become a law it would be regarded as a retrogression from the financial intentions indicated by our recent repeal of the provision forcing silver-bullion purchases; that it would weaken, if it did not destroy, returning faith and confidence in our sound financial tendencies, and that as a consequence our progress to renewed business health would be unfortunately checked and a return to our recent distressing plight seriously threatened.

This proposed legislation is so related to the currency conditions growing out of the law compelling the purchase of silver by the Government that a glance at such conditions and a partial review of the law referred to may not be unprofitable.

Between the 14th day of August, 1890, when the law became operative, and the 1st day of November, 1893, when the clause it contained directing the purchase of silver was repealed, there were purchased by the Secretary of the Treasury more than 168,000,000 ounces of silver bullion. In payment for this bullion the Government issued its Treasury notes, of various denominations, amounting to nearly $156,000,000, which notes were immediately added to the currency in circulation among our people. Such notes were by the law made legal tender in payment of all debts, public and private, except when otherwise expressly stipulated, and were made receivable for customs, taxes, and all public dues,

and when so received might be reissued. They were also permitted to be held by banking associations as a part of their lawful reserves.

On the demand of the holders these Treasury notes were to be redeemed in gold or silver coin, in the discretion of the Secretary of the Treasury; but it was declared as a part of this redemption provision that it was "the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law." The money coined from such bullion was to be standard silver dollars, and after directing the immediate coinage of a little less than 28,000,000 ounces the law provided that as much of the remaining bullion should be thereafter coined as might be necessary to provide for the redemption of the Treasury notes issued on its purchase, and that "any gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury."

This gain or seigniorage evidently indicates so much of the bullion owned by the Government as should remain after using a sufficient amount to coin as many standard silver dollars as should equal in number the dollars represented by the Treasury notes issued in payment of the entire quantity of bullion. These Treasury notes now outstanding and in circulation amount to $152,951,280, and although there has been thus far but a comparatively small amount of this bullion coined, yet the so-called gain or seigniorage, as above defined, which would arise from the coinage of the entire mass has been easily ascertained to be a quantity of bullion sufficient to make when coined 55,156,681 standard silver dollars.

Considering the present intrinsic relation between gold and silver, the maintenance of the parity between the two metals, as mentioned in this law, can mean nothing less than the maintenance of such a parity in the estimation and confidence of the people who use our money in their daily transactions. Manifestly the maintenance of this parity can only be accomplished, so far as it is affected by these Treasury notes and in the estimation of the holders of the same, by giving to such holders on their redemption the coin, whether it is gold or silver, which they prefer. It follows that while in terms the law leaves the choice of coin to be paid on such redemption to the discretion of the Secretary of the Treasury, the exercise of this discretion, if opposed to the demands of the holder, is entirely inconsistent with the effective and beneficial maintenance of the parity between the two metals.

If both gold and silver are to serve us as money and if they together are to supply to our people a safe and stable currency, the necessity of preserving this parity is obvious. Such necessity has been repeatedly conceded in the platforms of both political parties and in our Federal statutes. It is nowhere more emphatically recognized than in the recent law which repealed the provision under which the bullion now on hand was purchased. This law insists upon the "maintenance of the parity

in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts."

The Secretary of the Treasury has therefore, for the best of reasons, not only promptly complied with every demand for the redemption of these Treasury notes in gold, but the present situation as well as the letter and spirit of the law appear plainly to justify, if they do not enjoin upon him, a continuation of such redemption.

The conditions I have endeavored to present may be thus summarized:

First. The Government has purchased and now has on hand sufficient silver bullion to permit the coinage of all the silver dollars necessary to redeem in such dollars the Treasury notes issued for the purchase of said silver bullion, and enough besides to coin, as gain or seigniorage, 55,156,681 additional standard silver dollars.

Second. There are outstanding and now in circulation Treasury notes issued in payment of the bullion purchased amounting to $152,951,280. These notes are legal tender in payment of all debts, public and private, except when otherwise expressly stipulated; they are receivable for customs, taxes, and all public dues; when held by banking associations they may be counted as part of their lawful reserves, and they are redeemed by the Government in gold at the option of the holders. These advantageous attributes were deliberately attached to these notes at the time of their issue. They are fully understood by our people to whom such notes have been distributed as currency, and have inspired confidence in their safety and value, and have undoubtedly thus induced their continued and contented use as money, instead of anxiety for their redemption.

Having referred to some incidents which I deem relevant to the subject, it remains for me to submit a specific statement of my objections to the bill now under consideration.

This bill consists of two sections, excluding one which merely appropriates a sum sufficient to carry the act into effect. The first section provides for the immediate coinage of the silver bullion in the Treasury which represents the so-called gain or seigniorage, or which would arise from the coinage of all the bullion on hand, which gain or seigniorage this section declares to be $55,156,681. It directs that the money so coined or the certificates issued thereon shall be used in the payment of public expenditures, and provides that if the needs of the Treasury demand it the Secretary of the Treasury may, in his discretion, issue silver certificates in excess of such coinage, not exceeding the amount of seigniorage in said section authorized to be coined.

The second section directs that as soon as possible after the coinage of this seigniorage the remainder of the bullion held by the Government shall be coined into legal-tender standard silver dollars, and that they shall be held in the Treasury for the redemption of the Treasury notes issued in the purchase of said bullion. It provides that as fast as the

bullion shall be coined for the redemption of said notes they shall not be reissued, but shall be canceled and destroyed in amounts equal to the coin held at any time in the Treasury derived from the coinage provided for, and that silver certificates shall be issued on such coin in the manner now provided by law. It is, however, especially declared in said section that the act shall not be construed to change existing laws relating to the legal-tender character or mode of redemption of the Treasury notes issued for the purchase of the silver bullion to be coined.

The entire bill is most unfortunately constructed. Nearly every sentence presents uncertainty and invites controversy as to its meaning and intent. The first section is especially faulty in this respect, and it is extremely doubtful whether its language will permit the consummation of its supposed purposes. I am led to believe that the promoters of the bill intended in this section to provide for the coinage of the bullion constituting the gain or seigniorage, as it is called, into standard silver dollars, and yet there is positively nothing in the section to prevent its coinage into any description of silver coins now authorized under any existing law.

I suppose this section was also intended, in case the needs of the Treasury called for money faster than the seigniorage bullion could actually be coined, to permit the issue of silver certificates in advance of such coinage; but its language would seem to permit the issuance of such certificates to double the amount of seigniorage as stated, one-half of which would not represent an ounce of silver in the Treasury. The debate upon this section in the Congress developed an earnest and positive difference of opinion as to its object and meaning. In any event, I am clear that the present perplexities and embarrassments of the Secretary of the Treasury ought not to be augmented by devolving upon him the execution of a law so uncertain and confused.

I am not willing, however, to rest my objection to this section solely on these grounds. In my judgment sound finance does not commend a further infusion of silver into our currency at this time unaccompanied by further adequate provision for the maintenance in our Treasury of a safe gold reserve.

Doubts also arise as to the meaning and construction of the second section of the bill. If the silver dollars therein directed to be coined are, as the section provides, to be held in the Treasury for the redemption of Treasury notes, it is suggested that, strictly speaking, certificates can not be issued on such coin "in the manner now provided by law," because these dollars are money held in the Treasury for the express purpose of redeeming Treasury notes on demand, which would ordinarily mean that they were set apart for the purpose of substituting them for these Treasury notes. They are not, therefore, held in such a way as to furnish a basis for certificates according to any provision of existing law.

If however, silver certificates can properly be issued upon these dollars,

there is nothing in the section to indicate the characteristics and functions of these certificates. If they were to be of the same character as silver certificates in circulation under existing laws, they would at best be receivable only for customs, taxes, and all public dues; and under the language of this section it is, to say the least, extremely doubtful whether the certificates it contemplates would be lawfully received even for such purposes.

Whatever else may be said of the uncertainties of expression in this bill, they certainly ought not to be found in legislation affecting subjects so important and far-reaching as our finances and currency. In stating other and more important reasons for my disapproval of this section I shall, however, assume that under its provisions the Treasury notes issued in payment for silver bullion will continue to be redeemed as heretofore, in silver or gold, at the option of the holders, and that if when they are presented for redemption or reach the Treasury in any other manner there are in the Treasury coined silver dollars equal in nominal value to such Treasury notes, then and in that case the notes will be destroyed and silver certificates to an equal amount be substituted.

I am convinced that this scheme is ill advised and dangerous. As an ultimate result of its operation Treasury notes, which are legal tender for all debts, public and private, and which are redeemable in gold or silver at the option of the holder, will be replaced by silver certificates, which, whatever may be their character and description, will have none of these qualities. In anticipation of this result and as an immediate effect the Treasury notes will naturally appreciate in value and desirability. The fact that gold can be realized upon them and the further fact that their destruction has been decreed when they reach the Treasury must tend to their withdrawal from general circulation to be immediately presented for gold redemption or to be hoarded for presentation at a more convenient season. The sequel of both operations will be a large addition to the silver currency in our circulation and a corresponding reduction of gold in the Treasury. The argument has been made that these things will not occur at once, because a long time must elapse before the coinage of anything but the seigniorage can be entered upon. If the physical effects of the execution of the second section of this bill are not to be realized until far in the future, this may furnish a strong reason why it should not be passed so much in advance; but the postponement of its actual operation can not prevent the fear and loss of confidence and nervous precaution which would immediately follow its passage and bring about its worst consequences. I regard this section of the bill as embodying a plan by which the Government will be obliged to pay out its scanty store of gold for no other purpose than to force an unnatural addition of silver money into the hands of our people. This is an exact reversal of the policy which safe finance dictates if we are to preserve parity between gold and silver and maintain sensible bimetallism.

We have now outstanding more than $338,000,000 in silver certificates issued under existing laws. They are serving the purpose of money usefully and without question. Our gold reserve, amounting to only a little more than $100,000,000, is directly charged with the redemption of $346,000,000 of United States notes. When it is proposed to inflate our silver currency it is a time for strengthening our gold reserve instead of depleting it. I can not conceive of a longer step toward silver monometallism than we take when we spend our gold to buy silver certificates for circulation, especially in view of the practical difficulties surrounding the replenishment of our gold.

This leads me to earnestly present the desirability of granting to the Secretary of the Treasury a better power than now exists to issue bonds to protect our gold reserve when for any reason it should be necessary. Our currency is in such a confused condition and our financial affairs are apt to assume at any time so critical a position that it seems to me such a course is dictated by ordinary prudence.

I am not insensible to the arguments in favor of coining the bullion seigniorage now in the Treasury, and I believe it could be done safely and with advantage if the Secretary of the Treasury had the power to issue bonds at a low rate of interest under authority in substitution of that now existing and better suited to the protection of the Treasury.

I hope a way will present itself in the near future for the adjustment of our monetary affairs in such a comprehensive and conservative manner as will accord to silver its proper place in our currency; but in the meantime I am extremely solicitous that whatever action we take on this subject may be such as to prevent loss and discouragement to our people at home and the destruction of confidence in our financial management abroad.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 7, 1894.*

To the House of Representatives:

I herewith return without approval House bill No. 2637, entitled "An act for the relief of Eugene Wells, late captain, Twelfth Infantry, and second lieutenant, First Artillery, United States Army."

This bill authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint the beneficiary therein named a second lieutenant of artillery in the Army of the United States, and it directs that when so appointed he shall be placed upon the retired list on account of disability, thus dispensing with the usual examination and finding by a retiring board and all other ordinary prerequisites of retirement.

Appointments to the Army under the authority of special legislation which names the proposed appointee, and the purpose of which is the immediate retirement of the appointee, are open to serious objections,

though I confess I have been persuaded through sympathy and sentiment on a number of occasions to approve such legislation. When, however, it is proposed to make the retirement compulsory and without reference to age or previous examination, a most objectionable feature is introduced.

The cases covered by the special enactments referred to are usually such as should, if worthy of any consideration, be provided for under general or private pension laws, leaving the retired list of the Army to serve the legitimate purpose for which it was established.

A recent discussion in the House of Representatives upon a bill similar to the one now before me drew from a member of the House Committee on Military Affairs the declaration that hundreds of such bills were before that committee and that there were fifty precedents for the passage of the particular one then under discussion.

It seems to me that this condition suggests such an encroachment upon the retired list of the Army as should lead to the virtual abandonment of the legislation referred to.

In addition to the objections to such legislation based upon sound policy and good administration, there are facts connected with the case covered by the bill now before me which, in my judgment, forbid its favorable consideration.

The beneficiary named in this bill entered the military service as first lieutenant in 1861. In September or October, 1870, then being a captain, a charge of conduct unbecoming an officer and a gentleman was preferred against him with a view to his trial on said charge before a court-martial.

The Articles of War provide that any officer convicted of this offense shall be dismissed the service.

The first specification under this charge alleged that Captain Wells did violently and without just cause or provocation assault First Lieutenant P. H. Breslin "by furiously striking and hitting him (Lieutenant Breslin) upon the head with a hickory stick, the butt end of a billiard cue, and did continue the assault (upon Lieutenant Breslin) until forced to desist therefrom by First Lieutenant Carl Veitenhimer, Fourth United States Infantry, thereby endangering the life of Lieutenant Breslin and disgracing himself (Captain Wells) as an officer of the United States Army."

The second specification alleged that Captain Wells "did become so much under the influence of intoxicating liquor as to behave himself in a scandalous manner by violently attacking the person of First Lieutenant P. H. Breslin, Fourth United States Infantry."

These offenses were charged to have been committed on the 3d day of September, 1870, at Fort Fetterman, in Wyoming Territory.

On the 15th day of July, 1870, a law was passed, among other things, to bring about a reduction of the Army, which law provided that the

President should before the 1st day of July, 1871, reduce the number of enlisted men in the Army to 30,000, and authorized him in his discretion to honorably discharge from the service of the United States officers of the Army who might apply therefor on or before January 1, 1871.

Before the trial by court-martial upon the charge then pending against him Captain Wells applied for his discharge under the provision of the law above recited, whereupon the charge against him was withdrawn and canceled, and on the 27th day of October, 1870, his application for a discharge was granted.

On the 6th day of July, 1875, he was again appointed to the Army as second lieutenant in the artillery, against which a remonstrance was made by certain officers in the Army.

In August, 1877, Second Lieutenant Wells was charged with being "drunk on duty, in violation of the thirty-eighth article of war."

He was also charged with "conduct to the prejudice of good order and military discipline."

The first specification under the latter charge alleged that the accused did "engage in an affray with First Lieutenant E. Van A. Andruss, First Artillery." The second specification under said charge alleged that the accused addressed his superior officer in a defiant and disrespectful manner and neglected and hesitated to promptly obey the order of said superior officer.

All these offenses were alleged to have been committed at Reading, Pa., on the [illegible]d day of August, 1877.

Soon after these charges were preferred a court-martial was convened for the trial of the accused thereon. He pleaded not guilty to the charges and specifications, but was convicted of them all and sentenced "to be dismissed the service of the United States."

On the 6th day of October the proceedings, findings, and sentence of the court-martial were approved by the President, who ordered the sentence to be executed; and on the 13th day of October, 1877, in pursuance thereof, Lieutenant Eugene Wells was dismissed from the service.

Since that time repeated efforts have been made to vacate this judgment and restore the dismissed officer to the service. While a number of committees in Congress have made reports favorable to such action, at least two committees have recommended a denial of legislative relief. Both of these reports were made on behalf of House Committees on Military Affairs by distinguished soldiers, who, after patient examination and with an inclination to be not only just but generous to a fellow-soldier, were constrained to recommend a refusal of the application for restoration. One of these reports was made to the Forty-seventh and the other to the Forty-ninth Congress.

I am impressed with the belief that legislation of the kind proposed is of extremely doubtful expediency in any save very exceptional cases, and I am thoroughly convinced by the facts now before me that the

discipline and efficiency of our Army, as well as justice to its meritorious members, do not permit my approval on any ground of the bill herewith returned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 11, 1894.*

To the Senate:

I hereby return without my approval Senate bill No. 1438, entitled "An act for the relief of Louis A. Yorke."

In the year 1886 the beneficiary named in this bill was a passed assistant paymaster in the Navy. In December of that year he appeared before a naval examining board convened pursuant to law for the purpose of passing upon his fitness to be promoted to the grade of paymaster.

The investigation of the board was conducted fairly and thoroughly. Much of the evidence relating to the candidate's moral fitness for promotion was documentary, and the examination touching his professional competency was of the usual character in such cases.

Considerable evidence was before the board showing quite a large amount of personal indebtedness owing by the candidate, and it appeared that in a few instances his accounts with the Navy Department had not been promptly settled. It was also shown that he had not at all times deposited the Government money intrusted to his care in the places required by law and the regulations of the Navy. In connection with his personal indebtedness incidents and circumstances were brought to light which certainly indicated that he entertained very lax ideas of honest dealing and fairness and which developed a disregard of the obligations and requirements of his position as an officer in the Navy. He was given abundant opportunity to meet and explain every damaging allegation and every adverse inference arising from the evidence, and his claim, not without foundation it appeared, that the charges against him were instigated by malice was doubtless given full weight.

The examining board on the evidence made the following decisions and findings:

The written examination of the candidate shows that he is deficient in his knowledge of the duties appertaining to the next higher grade; and the record evidence puts in question his moral fitness, and he has failed to establish both his professional and moral qualifications for promotion to the satisfaction of the board.

Therefore we hereby certify that Passed Assistant Paymaster Louis A. Yorke, United States Navy, has the mental fitness to perform efficiently all the duties, both at sea and on shore, of the next higher grade, but he has not the professional and moral qualifications required, and we do not recommend him for promotion.

After the board had thus disposed of the case and had adjourned it was, at the request of the candidate, reconvened by order of the Secretary of the Navy, who issued for its guidance the following directions, among others:

The board will inform Passed Assistant Paymaster Yorke of its findings and of the evidence upon which it finds him to be not morally qualified for promotion, and will

afford him a further hearing and an opportunity to present such evidence as he may desire as to his moral fitness for promotion.

The board met pursuant to such order on the 4th day of January, 1887, when the findings of the board were read to the candidate for promotion, and also the evidence upon which said findings were based, and he was informed that the board would accord him a further hearing as to his moral fitness for promotion and would afford him a reasonable time in which to submit his case. Thereupon he requested the board to allow him until the 26th day of January to produce the necessary witnesses in his behalf. This request was granted, but on the day appointed, upon his representation that he was then unable to submit his defense, he was upon his request allowed another day for that purpose.

In availing himself of the opportunity thus afforded him to present evidence in defense or explanation of the matters charged against him he examined no witnesses and contented himself with presenting his own statement, containing little more than a reiteration of statements he had already made before the board at previous hearings, supplemented by slight documentary evidence which established no new facts in his favor.

The board thereupon reviewed all the evidence and proofs which had been submitted during the entire examination, and after full consideration decided that there was nothing in the additional evidence produced to warrant a modification of the original finding, and the board therefore again certified and decided that the candidate had not the moral qualifications to perform efficiently the duties of the grade to which he sought promotion.

The Secretary of the Navy transmitted the record, proceedings, and findings of said examining board to the President, with a recommendation that the same be approved and that the candidate be discharged from the Navy with one year's pay, pursuant to a statute passed on the 5th day of August, 1882, directing a discharge from the service in such cases.

Thereupon, and on the 19th day of February, 1887, the record, proceedings, and findings of said board were approved by the President, and Passed Assistant Paymaster Yorke was ordered discharged from the naval service with one year's pay.

The bill now under consideration provides that the action of the examining board above recited "be set aside and declared null and void." It also authorizes the President "to appoint the beneficiary to the office to which he would have been promoted but for said action and to retire him in that grade as of the date he was wholly retired."

The authority attempted by the bill to be given to the President to thus make an appointment to the office of paymaster in the Navy without the interposition of the Senate appears to be inadmissible under that clause of the Constitution which only permits the President to appoint certain officers "by and with the advice and consent of the Senate."

The bill provides for the immediate retirement of the beneficiary. He is now but 47 years old, thus lacking fifteen years of the time when he would be entitled to retirement on account of age. There is no suggestion that he is physically incapacitated. On the contrary, when he was examined for promotion a medical board certified that he was physically qualified to perform all his duties at sea, and the candidate himself not only certified to the same thing, but further declared that he was "free from all bodily ailments." If this condition continues and if he should be restored to the Navy at all, he should be sent to duty on the active list instead of being retired. On the facts as presented he would seem to be out of place among those who, though still compensated by the Government, have been on account of age, long and honorable service, or disabilities incurred in the discharge of duty relieved from further activity.

A careful investigation of the facts submitted to the examining board and a consideration of all the statements made on behalf of the beneficiary named in the bill utterly fail, in my opinion, to justify the impeachment of the findings and determination of the board.

I have no doubt malicious feeling growing out of domestic difficulties entered into the affair and gave impetus to the search after inculpating evidence, but facts were nevertheless established beyond any reasonable doubt which abundantly uphold these findings.

I feel obliged to disapprove the bill herewith returned because I believe the power to appoint a paymaster in the Navy ought not, under the Constitution, be conferred upon the President alone; because if the beneficiary were restored to the Navy there would be no justice or propriety in placing him upon the retired list, and because upon the merits of the case I am of the opinion the judgment of the examining board ought not to be reversed.

GROVER CLEVELAND.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas an act of Congress entitled "An act to give effect to the award rendered by the Tribunal of Arbitration at Paris under the treaty between the United States and Great Britain concluded at Washington February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals," was approved April 6, 1894, and reads as follows:

Whereas the following articles of the award of the Tribunal of Arbitration constituted under the treaty concluded at Washington the 29th of February, 1892, between the United States of America and Her Majesty the Queen of the United Kingdom of

Great Britain and Ireland were delivered to the agents of the respective Governments on the 15th day of August, 1893:

"ARTICLE 1. The Governments of the United States and Great Britain shall forbid their citizens and subjects, respectively, to kill, capture, or pursue at any time and in any manner whatever the animals commonly called fur seals within a zone of 60 miles around the Pribilof Islands, inclusive of the territorial waters.

"The miles mentioned in the preceding paragraph are geographical miles, of 60 to a degree of latitude.

"ART. 2. The two Governments shall forbid their citizens and subjects, respectively, to kill, capture, or pursue in any manner whatever during the season extending each year from the 1st of May to the 31st of July, both inclusive, the fur seals on the high sea in the part of the Pacific Ocean, inclusive of the Bering Sea, which is situated to the north of the thirty-fifth degree of north latitude and eastward of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in Article I of the treaty of 1867 between the United States and Russia, and following that line up to Bering Strait.

"ART. 3. During the period of time and in the waters in which the fur-seal fishing is allowed only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

"ART. 4. Each sailing vessel authorized to fish for fur seals must be provided with a special license issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

"ART. 5. The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

"ART. 6. The use of nets, firearms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shotguns when such fishing takes place outside of Bering Sea during the season when it may be lawfully carried on.

"ART. 7. The two Governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing. These men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

"ART. 8. The regulations contained in the preceding articles shall not apply to Indians dwelling on the coast of the territory of the United States or of Great Britain and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels, and propelled wholly by paddles, oars, or sails and manned by not more than five persons each in the way hitherto practiced by the Indians, provided such Indians are not in the employment of other persons, and provided that when so hunting in canoes or undecked boats they shall not hunt fur seals outside of territorial waters under contract for the delivery of the skins to any person.

"This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Bering Sea or the waters of the Aleutian passes.

"Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur-sealing vessels as heretofore.

"ART. 9. The concurrent regulations hereby determined with a view to the protection and preservation of the fur seals shall remain in force until they have been in whole or in part abolished or modified by common agreement between the Governments of the United States and of Great Britain.

"The said concurrent regulations shall be submitted every five years to a new

examination, so as to enable both interested Governments to consider whether, in the light of past experience, there is occasion for any modification thereof."

Now, therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no citizen of the United States or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue at any time or in any manner whatever outside of territorial waters any fur seal in the waters surrounding the Pribilof Islands within a zone of 60 geographical miles (60 to a degree of latitude) around said islands, exclusive of the territorial waters.

SEC. 2. That no citizen of the United States or person above described in section 1 of this act, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue in any manner whatever during the season extending from the 1st day of May to the 31st day of July, both inclusive, in each year any fur seal on the high seas outside of the zone mentioned in section 1, and in that part of the Pacific Ocean, including Bering Sea, which is situated to the north of the thirty-fifth degree of north latitude and to the east of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in Article I of the treaty of 1867 between the United States and Russia, and following that line up to Bering Strait.

SEC. 3. No citizen of the United States or person above described in the first section of this act shall during the period and in the waters in which by section 2 of this act the killing of fur seals is not prohibited use or employ any vessel, nor shall any vessel of the United States be used or employed, in carrying on or taking part in fur-seal fishing operations, other than a sailing vessel propelled by sails exclusively and such canoes or undecked boats propelled by paddles, oars, or sails as may belong to and be used in connection with such sailing vessels; nor shall any sailing vessel carry on or take part in such operations without a special license obtained from the Government for that purpose and without carrying a distinctive flag prescribed by the Government for the same purpose.

SEC. 4. That every master of a vessel licensed under this act to engage in fur-seal fishing operations shall accurately enter in his official log book the date and place of every such operation, and also the number and sex of the seals captured each day; and on coming into port and before landing cargo the master shall verify on oath such official log book as containing a full and true statement of the number and character of his fur-seal fishing operations, including the number and sex of seals captured; and for any false statement willfully made by a person so licensed by the United States in this behalf he shall be subject to the penalties of perjury, and any seal skins found in excess of the statement in the official log book shall be forfeited to the United States.

SEC. 5. That no person or vessel engaging in fur-seal fishing operations under this act shall use or employ in such operations any net, firearm, air gun, or explosive: *Provided, however*, That this prohibition shall not apply to the use of shotguns in such operations outside of Bering Sea during the season when the killing of fur seals is not there prohibited by this act.

SEC. 6. That the foregoing sections of this act shall not apply to Indians dwelling on the coast of the United States and taking fur seals in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels or manned by more than five persons, in the manner heretofore practiced by the said Indians: *Provided, however*, That the exception made in this section shall not apply to Indians in the employment of other persons, or who shall kill, capture, or pursue fur seals outside of territorial waters under contract to deliver the skins to other persons, nor to the waters of Bering Sea or of the passes between the Aleutian Islands.

SEC. 7. That the President shall have power to make regulations respecting the special license and the distinctive flag mentioned in this act, and regulations otherwise suitable to secure the due execution of the provisions of this act, and from time to time to add to, modify, amend, or revoke such regulations as in his judgment may seem expedient.

SEC. 8. That, except in the case of a master making a false statement under oath in violation of the provisions of the fourth section of this act, every person guilty of a violation of the provisions of this act or of the regulations made thereunder shall for each offense be fined not less than $200 or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo at any time used or employed in violation of this act or of the regulations made thereunder shall be forfeited to the United States.

SEC. 9. That any violation of this act or the regulations made thereunder may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

SEC. 10. That if any unlicensed vessel of the United States shall be found within the waters to which this act applies, and at a time when the killing of fur seals is by this act there prohibited, having on board seal skins or bodies of seals or apparatus or implements suitable for killing or taking seals, or if any licensed vessel shall be found in the waters to which this act applies having on board apparatus or implements suitable for taking seals, but forbidden then and there to be used, it shall be presumed that the vessel in the one case and the apparatus or implements in the other was or were used in violation of this act until it is otherwise sufficiently proved.

SEC. 11. That it shall be the duty of the President to cause a sufficient naval force to cruise in the waters to which this act is applicable to enforce its provisions; and it shall be the duty of the commanding officer of any vessel belonging to the naval or revenue service of the United States, when so instructed by the President, to seize and arrest all vessels of the United States found by him to be engaged, used, or employed in the waters last aforesaid in violation of any of the prohibitions of this act or of any regulations made thereunder, and to take the same, with all persons on board thereof, to the most convenient port in any district of the United States mentioned in this act, there to be dealt with according to law.

SEC. 12. That any vessel or citizen of the United States or person described in the first section of this act offending against the prohibitions of this act or the regulations thereunder may be seized and detained by the naval or other duly commissioned officers of Her Majesty the Queen of Great Britain, but when so seized and detained they shall be delivered as soon as practicable, with any witnesses and proofs on board, to any naval or revenue officer or other authorities of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same: *Provided, however*, That British officers shall arrest and detain vessels and persons as in this section specified only after, by appropriate legislation, Great Britain shall have authorized officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the authorities of Great Britain vessels and subjects of that Government offending against any statutes or regulations of Great Britain enacted or made to enforce the award of the treaty mentioned in the title of this act.

Now, therefore, be it known that I, Grover Cleveland, President of the United States of America, have caused the said act specially to be proclaimed, to the end that its provisions may be known and observed; and I hereby proclaim that every person guilty of a violation of the provisions of said act will be arrested and punished as therein provided, and

all vessels so employed, their tackle, apparel, furniture, and cargo, will be seized and forfeited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 9th day of April, A. D. 1894, and of the Independence of the United States the one hundred and eighteenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory proof has been given to me that no light-house and light dues, tonnage dues, beacon and buoy dues, or other equivalent taxes of any kind are imposed upon vessels of the United States in the ports of the island of Grenada, one of the British West India Islands:

Now, therefore, I, Grover Cleveland, President of the United States of America, by virtue of the authority vested in me by section 11 of the act of Congress entitled "An act to abolish certain fees for official services to American vessels and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," approved June 19, 1886, and in virtue of the further act amendatory thereof, entitled "An act to amend the laws relating to navigation, and for other purposes," approved April 4, 1888, do hereby declare and proclaim that from and after the date of this my proclamation shall be suspended the collection of the whole of the tonnage duty which is imposed by said section 11 of the act approved June 19, 1886, upon vessels entered in the ports of the United States from any of the ports of the island of Grenada.

Provided, That there shall be excluded from the benefits of the suspension hereby declared and proclaimed the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States or the import or export duties on their cargoes are in excess of the fees, dues, or duties imposed on the vessels of such country or on the cargoes of such vessels; but this proviso shall not be held to be inconsistent with the special regulation by foreign countries of duties and other charges on their own vessels and the cargoes thereof engaged in their coasting trade, or with the existence between such countries and other states of reciprocal stipulations founded on special conditions and equivalents, and thus not within the treatment of American vessels under the most-favored-nation clause in treaties between the United States and such countries.

GOING INTO ACTION

GOING INTO ACTION AT SAN JUAN

From June 24th to June 30th, 1898, the army rested on the trail leading from Siboney to Santiago, having its most advanced outpost at El Paso, one and a half miles from San Juan Hill. On June 30th the advance began and on July 1st, at dawn, the artillery commenced shelling El Caney and San Juan Hill. General Sumner's command of seven thousand men was to capture San Juan. General Chaffee, with five thousand, was to capture El Caney.

The troops in the photograph are the Seventy-first New York Volunteers, part of General Sumner's command, fording the river just before they reach the line of battle at the edge of the woods. Later in the day so many wounded crawled hither to drink that this ford received the appellation "Bloody Bend." When the photograph was made the men were under fire, shrapnel and Mauser bullets making the place exceedingly uncomfortable.

The article, "Santiago (Cuba), Battle of," in the Encyclopedic Index, gives a detailed description of the operations of the day, both at San Juan Hill and El Caney. The article, "Spanish-American War," narrates the causes, events and consequences of the brief struggle in Cuba.

And the suspension hereby declared and proclaimed shall continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued in the said ports of the island of Grenada, and no longer.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 2d day of May, A. D. 1894, and of the Independence of the United States the one hundred and eighteenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, by reason of unlawful obstructions, combinations, and assemblages of persons, it has become impracticable, in the judgment of the President, to enforce by the ordinary course of judicial proceedings the laws of the United States within the State of Illinois, and especially in the city of Chicago within said State; and

Whereas, for the purpose of enforcing the faithful execution of the laws of the United States and protecting its property and removing obstructions to the United States mails in the State and city aforesaid, the President has employed a part of the military forces of the United States:

Now, therefore, I, Grover Cleveland, President of the United States, do hereby admonish all good citizens and all persons who may be or may come within the city and State aforesaid against aiding, countenancing, encouraging, or taking any part in such unlawful obstructions, combinations, and assemblages; and I hereby warn all persons engaged in or in any way connected with such unlawful obstructions, combinations, and assemblages to disperse and retire peaceably to their respective abodes on or before 12 o'clock noon on the 9th day of July instant.

Those who disregard this warning and persist in taking part with a riotous mob in forcibly resisting and obstructing the execution of the laws of the United States or interfering with the functions of the Government or destroying or attempting to destroy the property belonging to the United States or under its protection can not be regarded otherwise than as public enemies.

Troops employed against such a riotous mob will act with all the moderation and forbearance consistent with the accomplishment of the desired

end, but the stern necessities that confront them will not with certainty permit discrimination between guilty participants and those who are mingled with them from curiosity and without criminal intent. The only safe course, therefore, for those not actually unlawfully participating is to abide at their homes, or at least not to be found in the neighborhood of riotous assemblages.

While there will be no hesitation or vacillation in the decisive treatment of the guilty, this warning is especially intended to protect and save the innocent.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be hereto affixed.

[SEAL.] Done at the city of Washington, this 8th day of July, A. D. 1894, and of the Independence of the United States the one hundred and nineteenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, by reason of unlawful obstructions, combinations, and assemblages of persons, it has become impracticable, in the judgment of the President, to enforce by the ordinary course of judicial proceedings the laws of the United States at certain points and places within the States of North Dakota, Montana, Idaho, Washington, Wyoming, Colorado, and California and the Territories of Utah and New Mexico, and especially along the lines of such railways traversing said States and Territories as are military roads and post routes and are engaged in interstate commerce and in carrying United States mails; and

Whereas, for the purpose of enforcing the faithful execution of the laws of the United States and protecting property belonging to the United States or under its protection, and of preventing obstructions of the United States mails and of commerce between the States and Territories, and of securing to the United States the right guaranteed by law to the use of such roads for postal, military, naval, and other Government service, the President has employed a part of the military forces of the United States:

Now, therefore, I, Grover Cleveland, President of the United States, do hereby command all persons engaged in or in any way connected with such unlawful obstructions, combinations, and assemblages to disperse and retire peaceably to their respective abodes on or before 3 o'clock in the afternoon on the 10th day of July instant.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be hereto affixed.

[SEAL.] Done at the city of Washington, this 9th day of July, A. D. 1894, and of the Independence of the United States the one hundred and nineteenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an act of Congress entitled "An act to adopt regulations for preventing collisions at sea" was approved August 19, 1890, the said act being in the following words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following regulations for preventing collisions at sea shall be followed by all public and private vessels of the United States upon the high seas and in all waters connected therewith navigable by seagoing vessels:

PRELIMINARY.

In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The words "steam vessel" shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these rules when she is not at anchor or made fast to the shore or aground.

RULES CONCERNING LIGHTS, ETC.

The word "visible" in these rules when applied to lights shall mean visible on a dark night with a clear atmosphere.

ARTICLE 1. The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

ART. 2. A steam vessel when under way shall carry—

(*a*) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above the hull of not less than 20 feet, and if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so, however, that the light need not be carried at a greater height above the hull than 40 feet a bright white light so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel—namely, from right ahead to 2 points abaft the beam on either side—and of such a character as to be visible at a distance of at least 5 miles.

(*b*) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(*c*) On the port side a red light so constructed as to show an unbroken light over

an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(*d*) The said green and red side lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.

(*e*) A steam vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (*a*). These two lights shall be so placed in line with the keel that one shall be at least 15 feet higher than the other and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

ART. 3. A steam vessel when towing another vessel shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such light if the length of the tow measuring from the stern of the towing vessel to the stern of the last vessel towed exceeds 600 feet. Each of these lights shall be of the same construction and character and shall be carried in the same position as the white light mentioned in article 2 (*a*), excepting the additional light, which may be carried at a height of not less than 14 feet above the hull.

Such steam vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.

ART. 4. (*a*) A vessel which from any accident is not under command shall carry at the same height as a white light mentioned in article 2 (*a*), where they can best be seen, and if a steam vessel in lieu of that light, two red lights in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all around the horizon at a distance of at least 2 miles; and shall by day carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, two black balls or shapes each 2 feet in diameter.

(*b*) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in article 2 (*a*), and if a steam vessel in lieu of that light, three lights in a vertical line one over the other, not less than 6 feet apart. The highest and lowest of these lights shall be red and the middle light shall be white, and they shall be of such a character as to be visible all around the horizon at a distance of at least 2 miles. By day she shall carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, three shapes not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in color and the middle one diamond in shape and white.

(*c*) The vessels referred to in this article, when not making way through the water, shall not carry the side lights, but when making way shall carry them.

(*d*) The lights and shapes required to be shown by this article are to be taken by other vessels as signals that the vessel showing them is not under command and can not, therefore, get out of the way.

These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in article 31.

ART. 5. A sailing vessel under way and any vessel being towed shall carry the same lights as are prescribed by article 2 for a steam vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.

ART. 6. Whenever, as in the case of small vessels under way during bad weather, the green and red side lights can not be fixed, these lights shall be kept at hand, lighted and ready for use, and shall on the approach of or to other vessels be exhibited on their respective sides, in sufficient time to prevent collision, in such manner as to make them most visible and so that the green light shall not be seen on the

port side nor the red light on the starboard side, nor, if practicable, more than 2 points abaft the beam on their respective sides.

To make the use of these portable lights more certain and easy the lanterns containing them shall each be painted outside with the color of the light they respectively contain and shall be provided with proper screens.

ART. 7. Steam vessels of less than 40 and vessels under oars or sails of less than 20 tons gross tonnage, respectively, when under way shall not be obliged to carry the lights mentioned in article 2 (*a*), (*b*), and (*c*), but if they do not carry them they shall be provided with the following lights:

First. Steam vessels of less than 40 tons shall carry—

(*a*) In the fore part of the vessel or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in article 2 (*a*) and of such a character as to be visible at a distance of at least 2 miles.

(*b*) Green and red side lights constructed and fixed as prescribed in article 2 (*b*) and (*c*) and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points abaft the beam on their respective sides. Such lanterns shall be carried not less than 3 feet below the white light.

Second. Small steamboats, such as are carried by seagoing vessels, may carry the white light at a less height than 9 feet above the gunwale, but it shall be carried above the combined lantern mentioned in subdivision 1 (*b*).

Third. Vessels under oars or sails of less than 20 tons shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which on the approach of or to other vessels shall be exhibited, in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

The vessels referred to in this article shall not be obliged to carry the lights prescribed by article 4 (*a*) and article 11, last paragraph.

ART. 8. Pilot vessels when engaged on their station on pilotage duty shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

On the near approach of or to other vessels they shall have their side lights lighted, ready for use, and shall flash or show them at short intervals to indicate the direction in which they are heading; but the green light shall not be shown on the port side nor the red light on the starboard side.

A pilot vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the colored lights above mentioned, have at hand, ready for use, a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Pilot vessels when not engaged on their station on pilotage duty shall carry lights similar to those of other vessels of their tonnage.

ART. 9. Fishing vessels and fishing boats when under way and when not required by this article to carry or show the lights therein named shall carry or show the lights prescribed for vessels of their tonnage under way.

(*a*) Vessels and boats when fishing with drift nets shall exhibit two white lights from any part of the vessel where they can best be seen. Such lights shall be placed so that the vertical distance between them shall be not less than 6 feet and not more than 10 feet, and so that the horizontal distance between them measured in a line with the keel shall be not less than 5 feet and not more than 10 feet. The lower of these two lights shall be the more forward, and both of them shall be of such a character as to show all around the horizon and to be visible at a distance of not less than 3 miles.

(*b*) Vessels when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea—

First. If steam vessels, shall carry in the same position as the white light mentioned in article 2 (*a*) a tricolored lantern so constructed and fixed as to show a white light from right ahead to 2 points on each bow and a green light and a red light over an arc of the horizon from 2 points on either bow to 2 points abaft the beam on the starboard and port sides, respectively, and not less than 6 nor more than 12 feet below the tricolored lantern, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light all around the horizon.

Second. If sailing vessels of 7 tons gross tonnage and upward, shall carry a white light in a lantern so constructed as to show a clear, uniform, and unbroken light all around the horizon, and shall also be provided with a sufficient supply of red pyrotechnic lights, which shall each burn for at least 30 seconds, and shall be shown on the approach of or to other vessels in sufficient time to prevent collision.

In the Mediterranean Sea the vessels referred to in subdivision (*b*) 2 may use a flare-up light in lieu of a pyrotechnic light.

All lights mentioned in subdivision (*b*) 1 and 2 shall be visible at a distance of at least 2 miles.

Third. If sailing vessels of less than 7 tons gross tonnage, shall not be obliged to carry the white light mentioned in subdivision (*b*) 2 of this article, but if they do not carry such light they shall have at hand, ready for use, a lantern showing a bright white light, which shall on the approach of or to other vessels be exhibited where it can best be seen, in sufficient time to prevent collision; and they shall also show a red pyrotechnic light, as prescribed in subdivision (*b*) 2, or in lieu thereof a flare-up light.

(*c*) Vessels and boats when line fishing with their lines out and attached to their lines, and when not at anchor or stationary, shall carry the same lights as vessels fishing with drift nets.

(*d*) Fishing vessels and fishing boats may at any time use a flare-up light in addition to the lights which they are by this article required to carry and show. All flare-up lights exhibited by a vessel when trawling or fishing with any kind of dragnet shall be shown at the after part of the vessel, excepting that if the vessel is hanging by the stern to her fishing gear they shall be exhibited from the bow.

(*e*) Every fishing vessel and every boat when at anchor shall exhibit a white light visible all around the horizon at a distance of at least 1 mile.

(*f*) If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall show the light and make the fog signal prescribed for a vessel at anchor, respectively. (See article 15 (*d*), (*e*), and last paragraph.)

(*g*) In fog, mist, falling snow, or heavy rain storms drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of dragnet, and vessels line fishing with their lines out shall, if of 20 tons gross tonnage or upward, respectively, at intervals of not more than one minute make a blast—if steam vessels, with the whistle or siren, and if sailing vessels, with the fog horn—each blast to be followed by ringing the bell.

(*h*) Sailing vessels or boats fishing with nets or lines or trawls when under way shall in daytime indicate their occupation to an approaching vessel by displaying a basket or other efficient signal where it can best be seen.

The vessels referred to in this article shall not be obliged to carry the lights prescribed by article 4 (*a*) and article 11, last paragraph.

ART. 10. A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or a flare-up light.

The white light required to be shown by this article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that

it shall throw an unbroken light over an arc of the horizon of 12 points of the compass—namely, for 6 points from right aft on each side of the vessel—so as to be visible at a distance of at least 1 mile. Such light shall be carried as nearly as practicable on the same level as the side lights.

ART. 11. A vessel under 150 feet in length when at anchor shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least 1 mile.

A vessel of 150 feet or upward in length when at anchor shall carry in the forward part of the vessel, at a height of not less than 20 and not exceeding 40 feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than 15 feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry.

A vessel aground in or near a fairway shall carry the above light or lights and the two red lights prescribed by article 4 (*a*).

ART. 12. Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these rules required to carry, show a flare-up light or use any detonating signal that can not be mistaken for a distress signal.

ART. 13. Nothing in these rules shall interfere with the operation of any special rules made by the government of any nation with respect to additional station and signal lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by shipowners which have been authorized by their respective governments and duly registered and published.

ART. 14. A steam vessel proceeding under sail only, but having her funnel up, shall carry in daytime forward, where it can best be seen, one black ball or shape 2 feet in diameter.

SOUND SIGNALS FOR FOG, ETC.

ART. 15. All signals prescribed by this article for vessels under way shall be given—

1. By "steam vessels," on the whistle or siren.

2. By "sailing vessels" and "vessels towed," on the fog horn.

The words "prolonged blast" used in this article shall mean a blast of from four to six seconds' duration.

A steam vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn, to be sounded by mechanical means, and also with an efficient bell. (In all cases where the rules require a bell to be used a drum may be substituted on board Turkish vessels or a gong where such articles are used on board small seagoing vessels.) A sailing vessel of 20 tons gross tonnage or upward shall be provided with a similar fog horn and bell.

In fog, mist, falling snow, or heavy rain storms, whether by day or night, the signals described in this article shall be used as follows, viz:

(*a*) A steam vessel having way upon her shall sound at intervals of not more than two minutes a prolonged blast.

(*b*) A steam vessel under way, but stopped and having no way upon her, shall sound at intervals of not more than two minutes two prolonged blasts with an interval of about one second between them.

(*c*) A sailing vessel under way shall sound at intervals of not more than one minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

(*d*) A vessel when at anchor shall at intervals of not more than one minute ring the bell rapidly for about five seconds.

(*e*) A vessel at anchor at sea, when not in ordinary anchorage ground and when in

such a position as to be an obstruction to vessels under way, shall sound, if a steam vessel, at intervals of not more than two minutes, two prolonged blasts with her whistle or siren, followed by ringing her bell; or, if a sailing vessel, at intervals of not more than one minute two blasts with her fog horn, followed by ringing her bell.

(*f*) A vessel when towing shall, instead of the signals prescribed in subdivisions (*a*) and (*c*) of this article, at intervals of not more than two minutes sound three blasts in succession, namely, one prolonged blast followed by two short blasts. A vessel towed may give this signal, and she shall not give any other.

(*g*) A steam vessel wishing to indicate to another "The way is off my vessel; you may feel your way past me" may sound three blasts in succession, namely, short, long, short, with intervals of about one second between them.

(*h*) A vessel employed in laying or picking up a telegraph cable shall on hearing the fog signal of an approaching vessel sound in answer three prolonged blasts in succession.

(*i*) A vessel under way which is unable to get out of the way of an approaching vessel through being not under command or unable to maneuver as required by these rules shall on hearing the fog signal of an approaching vessel sound in answer four short blasts in succession.

Sailing vessels and boats of less than 20 tons gross tonnage shall not be obliged to give the above-mentioned signals, but if they do not they shall make some other efficient sound signal at intervals of not more than one minute.

Speed of Ships to be Moderate in Fog, etc.

Art. 16. Every vessel shall in a fog, mist, falling snow, or heavy rain storm go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not ascertained shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

Steering and Sailing Rules.

preliminary.—risk of collision.

Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

Art. 17. When two sailing vessels are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other as follows, namely:

(*a*) A vessel which is running free shall keep out of the way of a vessel which is closehauled.

(*b*) A vessel which is closehauled on the port tack shall keep out of the way of a vessel which is closehauled on the starboard tack.

(*c*) When both are running free with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(*d*) When both are running free with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to leeward.

(*e*) A vessel which has the wind aft shall keep out of the way of the other vessel.

Art. 18. When two steam vessels are meeting end on or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This article only applies to cases where vessels are meeting end on or nearly end on in such a manner as to involve risk of collision, and does not apply to two vessels which must if both keep on their respective courses pass clear of each other.

The only cases to which it does apply are when each of the two vessels is end on or nearly end on to the other; in other words, to cases in which by day each vessel sees

the masts of the other in a line or nearly in a line with her own, and by night to cases in which each vessel is in such a position as to see both the side lights of the other.

It does not apply by day to cases in which a vessel sees another ahead crossing her own course, or by night to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

ART. 19. When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

ART. 20. When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.

ART. 21. Where by any of these rules one of two vessels is to keep out of the way, the other shall keep her course and speed.

ART. 22. Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

ART. 23. Every steam vessel which is directed by these rules to keep out of the way of another vessel shall on approaching her, if necessary, slacken her speed or stop or reverse.

ART. 24. Notwithstanding anything contained in these rules every vessel overtaking any other shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than 2 points abaft her beam—that is, in such a position with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side lights—shall be deemed to be an overtaking vessel, and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel can not always know with certainty whether she is forward of or abaft this direction from the other vessel, she should if in doubt assume that she is an overtaking vessel and keep out of the way.

ART. 25. In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

ART. 26. Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets or lines or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels or boats.

ART. 27. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER.

ART. 28. The words "short blast" used in this article shall mean a blast of about one second's duration.

When vessels are in sight of one another, a steam vessel under way, in taking any course authorized or required by these rules, shall indicate that course by the following signals on her whistle or siren, namely:

One short blast to mean, "I am directing my course to starboard."

Two short blasts to mean, "I am directing my course to port."

Three short blasts to mean, "My engines are going at full speed astern."

NO VESSEL UNDER ANY CIRCUMSTANCES TO NEGLECT PROPER PRECAUTIONS.

ART. 29. Nothing in these rules shall exonerate any vessel or the owner or master or crew thereof from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case.

RESERVATION OF RULES FOR HARBORS AND INLAND NAVIGATION.

ART. 30. Nothing in these rules shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbor, river, or inland waters.

DISTRESS SIGNALS.

ART. 31. When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely:

In the daytime—

First. A gun fired at intervals of about a minute.

Second. The international code signal of distress, indicated by N C.

Third. The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball.

Fourth. Rockets or shells as prescribed below for use at night.

Fifth. A continuous sounding with any fog-signal apparatus.

At night—

First. A gun fired at intervals of about a minute.

Second. Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).

Third. Rockets or shells bursting in the air with a loud report and throwing stars of any color or description, fired one at a time at short intervals.

Fourth. A continuous sounding with any fog-signal apparatus.

SEC. 2. That all laws or parts of laws inconsistent with the foregoing regulations for preventing collisions at sea for the navigation of all public and private vessels of the United States upon the high seas and in all waters connected therewith navigable by seagoing vessels are hereby repealed.

SEC. 3. That this act shall take effect at a time to be fixed by the President by proclamation issued for that purpose.

And whereas an act of Congress entitled "An act to amend an act approved August 19, 1890, entitled 'An act to adopt regulations for preventing collisions at sea,'" was approved May 28, 1894, the said act being in the following words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That article 7 of the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," be amended to read as follows:

"ART. 7. Steam vessels of less than 40 and vessels under oars or sails of less than 20 tons gross tonnage, respectively, and rowing boats, when under way, shall not be required to carry the lights mentioned in article 2 (*a*), (*b*), and (*c*), but if they do not carry them they shall be provided with the following lights:

"First. Steam vessels of less than 40 tons shall carry—

"(*a*) In the fore part of the vessel or on or in front of the funnel where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in article 2 (*a*) and of such a character as to be visible at a distance of at least 2 miles.

"(*b*) Green and red side lights constructed and fixed as prescribed in article 2 (*b*) and (*c*) and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points abaft the beam on their respective sides. Such lanterns shall be carried not less than 3 feet below the white light.

"Second. Small steamboats, such as are carried by seagoing vessels, may carry the white light at a less height than 9 feet above the gunwale, but it shall be carried above the combined lantern mentioned in subdivision 1 (*b*).

"Third. Vessels under oars or sails of less than 20 tons shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which on the approach of or to other vessels shall be exhibited, in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

'Fourth. Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light, which shall be temporarily exhibited in sufficient time to prevent collision.

"The vessels referred to in this article shall not be obliged to carry the lights prescribed by article 4 (*a*) and article 11, last paragraph."

That article 9 be hereby repealed.

That article 21 be amended to read as follows:

"ART. 21. Where by any of these rules one of two vessels is to keep out of the way the other shall keep her course and speed.

"NOTE.—When, in consequence of thick weather or other causes, such vessel finds herself so close that collision can not be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision." (See articles 27 and 29.)

That article 31 be amended to read as follows:

"DISTRESS SIGNALS.

"ART. 31. When a vessel is in distress and requires assistance from other vessels or from the shore the following shall be the signals to be used or displayed by her, either together or separately, namely:

"In the daytime—

"First. A gun or other explosive signal fired at intervals of about a minute.

"Second. The international code signal of distress indicated by N C.

"Third. The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball.

"Fourth. A continuous sounding with any fog-signal apparatus.

"At night—

"First. A gun or other explosive signal fired at intervals of about a minute.

"Second. Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).

"Third. Rockets or shells throwing stars of any color or description, fired one at a time at short intervals.

"Fourth. A continuous sounding with any fog-signal apparatus."

And whereas it is provided by section 3 of the act approved August 19, 1890, that it shall take effect at a time to be fixed by the President by proclamation issued for that purpose:

Now, therefore, I, Grover Cleveland, President of the United States of America, do hereby, in virtue of the authority vested in me by section 3 of the act aforesaid, proclaim the 1st day of March, 1895, as the day on which the said act approved August 19, 1890, as amended by the act approved May 28, 1894, shall take effect.

In testimony whereof I have hereunto set my hand and caused the seal of the United States of America to be affixed.

[SEAL.] Done at the city of Washington, this 13th day of July, 1894, and of the Independence of the United States the one hundred and nineteenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas Congress by a statute approved March 22, 1882, and by statutes in furtherance and amendment thereof defined the crimes of bigamy, polygamy, and unlawful cohabitation in the Territories and other places within the exclusive jurisdiction of the United States and prescribed a penalty for such crimes; and

Whereas on or about the 6th day of October, 1890, the Church of the Latter-day Saints, commonly known as the Mormon Church, through its president issued a manifesto proclaiming the purpose of said church no longer to sanction the practice of polygamous marriages and calling upon all members and adherents of said church to obey the laws of the United States in reference to said subject-matter; and

Whereas on the 4th day of January, A. D. 1893,* Benjamin Harrison, then President of the United States, did declare and grant a full pardon and amnesty to certain offenders under said acts upon condition of future obedience to their requirements, as is fully set forth in said proclamation of amnesty and pardon; and

Whereas upon the evidence now furnished me I am satisfied that the members and adherents of said church generally abstain from plural marriages and polygamous cohabitation and are now living in obedience to the laws, and that the time has now arrived when the interests of public justice and morality will be promoted by the granting of amnesty and pardon to all such offenders as have complied with the conditions of said proclamation, including such of said offenders as have been convicted under the provisions of said act:

Now, therefore, I, Grover Cleveland, President of the United States, by virtue of the powers in me vested, do hereby declare and grant a full amnesty and pardon to all persons who have in violation of said acts committed either of the offenses of polygamy, bigamy, adultery, or unlawful cohabitation under the color of polygamous or plural marriage, or who, having been convicted of violations of said acts, are now suffering deprivations of civil rights in consequence of the same, excepting all persons who have not complied with the conditions contained in said executive proclamation of January 4, 1893.

* See pp. 5803–5804.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 25th day of September, A. D. 1894, and of the Independence of the United States the one hundred and nineteenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The American people should gratefully render thanksgiving and praise to the Supreme Ruler of the Universe, who has watched over them with kindness and fostering care during the year that has passed; they should also with humility and faith supplicate the Father of All Mercies for continued blessings according to their needs, and they should by deeds of charity seek the favor of the Giver of Every Good and Perfect Gift.

Therefore, I, Grover Cleveland, President of the United States, do hereby appoint and set apart Thursday, the 29th day of November instant, as a day of thanksgiving and prayer to be kept and observed by all the people of the land.

On that day let our ordinary work and business be suspended and let us meet in our accustomed places of worship and give thanks to Almighty God for our preservation as a nation, for our immunity from disease and pestilence, for the harvests that have rewarded our husbandry, for a renewal of national prosperity, and for every advance in virtue and intelligence that has marked our growth as a people.

And with our thanksgiving let us pray that these blessings may be multiplied unto us, that our national conscience may be quickened to a better recognition of the power and goodness of God, and that in our national life we may clearer see and closer follow the path of righteousness.

And in our places of worship and praise, as well as in the happy reunions of kindred and friends on that day, let us invoke divine approval by generously remembering the poor and needy. Surely He who has given us comfort and plenty will look upon our relief of the destitute and our ministrations of charity as the work of hearts truly grateful and as proofs of the sincerity of our thanksgiving.

Witness my hand and the seal of the United States, which I have caused to be hereto affixed.

[SEAL.] Done at the city of Washington on the 1st day of November, A. D. 1894, and of the Independence of the United States the one hundred and nineteenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM, *Secretary of State.*

A PROCLAMATION.

Whereas by the sixteenth section of the act of Congress approved March 2, 1889 (25 U. S. Statutes at Large, p. 888), the agreements entered into between the Chicago, Milwaukee and St. Paul Railway Company and the Sioux Indians for the right of way and occupation of certain lands for station purposes in that portion of the Sioux Reservation, in the State of South Dakota, relinquished by said Indians were ratified upon the condition that said railway company shall within three years after the said act takes effect construct, complete, and put into operation its line of road as therein provided for, due location of which was to be made within nine months after said act took effect; and in case of failure to so construct said road "the lands granted for right of way, station grounds, or other railway purposes as in this act provided shall without any further act or ceremony be declared by proclamation of the President forfeited, and shall without entry or further action on the part of the United States revert to the United States and be subject to entry under the other provisions of this act;" and

Whereas under previous proclamation* said act took effect on February 10, 1890, and more than three years have elapsed and no construction has been reported of the said road beyond the town of Chamberlain, in the State of South Dakota, as evidenced by the report of the Secretary of the Interior dated December 3, 1894:

Now, therefore, I, Grover Cleveland, President of the United States, do declare that the said lands granted for right of way and station purposes, to wit, that tract of land known as lots 2, 3, and 4 and the southeast quarter of the southwest quarter of section 10, and lots 1 and 9 in section 15, township 104 north, range 71 west, containing 188 acres, as shown by a plat approved January 24, 1891, being the tract selected by the Chicago, Milwaukee and St. Paul Railway Company under the sixteenth section of the act of March 2, 1889 (25 U. S. Statutes at Large, p. 888), also the 640 acres in said township 104 north, ranges 71 and 72 west, fifth principal meridian, in the State of South Dakota, plat of which was approved by the Secretary of the Interior January 24, 1889, and now on file in the General Land Office, are forfeited to the United States and will be subject to entry under the homestead laws as provided by said act of March 2, 1889, whenever the Secretary of the Interior shall give due notice to the local officers of this declaration of forfeiture.

Given under my hand, at the city of Washington, this 5th day of December, A. D. 1894.

GROVER CLEVELAND,
President of the United States.

By the President:

S. W. LAMOREUX,
Commissioner of the General Land Office.

*See pp. 5529-5532.

EXECUTIVE ORDERS.

CIVIL SERVICE.—REVOCATION OF PROMOTION REGULATIONS.

DECEMBER 11, 1893.

The promotion regulations applied to the War Department May 7, 1887, under authority contained in amended Civil-Service Rule VI are hereby revoked, and hereafter promotions in that Department, until otherwise provided, will be made in accordance with the provisions of Departmental Rule IX and the order of the Secretary of War of March 2, 1892, or such other and further orders as the said Secretary may make not inconsistent with the civil-service rules and the order of the President of December 4, 1891, directing the keeping of an efficiency record with a view to the placing of promotions wholly upon the basis of merit.

GROVER CLEVELAND.

AMENDMENTS OF CIVIL-SERVICE RULES.

GENERAL RULE III.

Amend General Rule III by striking out clause (*e*) of section 2.

DEPARTMENTAL RULE II.

Amend Departmental Rule II by striking out the whole of section 1 and substituting therefor the following:

1. To test fitness for the classified departmental service there shall be a clerk-copyist examination and such supplementary and special examinations as the Commission may provide to meet the special requirements of the service. The clerk-copyist examination shall not include more than the following subjects: Orthography, copying, penmanship, arithmetic (fundamental rules, fractions, percentage, interest, and discount), elements of bookkeeping and accounts, elements of the English language, letter writing, elements of the geography, history, and government of the United States.

DEPARTMENTAL RULE VI.

Amend Departmental Rule VI as follows:

In section 1, line 1, strike out the words "copyist and of the clerk" and insert in lieu thereof the words "clerk-copyist," and in the same line strike out the final letter in the word "examinations." In section 4 strike out all after the word "the" where it occurs the second time in line 6 down to and including the word "separated" in line 8 and insert in lieu thereof the words "clerk-copyist," and strike out the final letter of the word "examinations" in line 9. In section 9, line 1, strike out the words "the copyist and the clerk" and insert in lieu thereof the word "all," and strike out all after the word "register" in line 3 to the end of the section.

DEPARTMENTAL RULE VII.

Amend Departmental Rule VII as follows:

In section 1, after the word "clerk" in line 3, insert a hyphen and the word "copyist." In section 3, after the word "the" where it occurs the second time in line 1, strike out the words "copyist or the clerk" and insert in lieu thereof the words "clerk-copyist." Strike out all of section 4 and change the numbering of the sections following as required.

DEPARTMENTAL RULE IX.

Amend Departmental Rule IX as follows:

In section 2, after the word "clerk" in line 1, insert a hyphen and the word "copyist." In section 3, after the word "clerk" in line 1, insert a hyphen and the word "copyist." Strike out the period at the end of section 5 and insert in lieu thereof a comma, and add to the section the following:

But the provisions of clause 1 of this rule shall cease to be operative when, by reason of the consolidation of the clerk and copyist examinations, there shall no longer be any persons in the departmental service to whom they apply.

POSTAL RULE IV.

Postal Rule IV is hereby amended by adding thereto the following section:

4. In case of the sudden occurrence of a vacancy in a position within the classified service of any post-office which the public interest requires shall be immediately filled, and which can not be so filled by certification from the eligible registers, such vacancy may be filled by temporary appointment until a regular appointment can be made under the provisions of sections 1 and 2 of this rule: *Provided*, Such temporary appointment shall in no case continue longer than ninety days: *And provided further*, That no person shall serve more than ninety days in any one year under such temporary appointment. Every such temporary appointment and also the discontinuance of the same shall at once be reported to the Commission.

Approved, January 5, 1894. GROVER CLEVELAND.

AMENDMENT OF CIVIL-SERVICE RULES.

Departmental Rule VII is hereby amended by adding thereto the following section:

9. In case of the sudden occurrence of a vacancy in the position of observer in the Weather Bureau of the Department of Agriculture which the public interest requires shall be immediately filled, and which can not be so filled by certification from the eligible registers of the Commission, the Secretary of Agriculture may fill such vacancy by temporary appointment until a regular appointment can be made under the provisions of sections 1, 2, and 3 of this rule: *Provided*, Such temporary appointment shall in no case continue longer than ninety days. Every such temporary appointment and the discontinuance of the same shall at once be reported to the Commission.

Approved, January 5, 1894. GROVER CLEVELAND.

CIVIL SERVICE.—EXECUTIVE ORDER WITHDRAWING FISH CULTURISTS FROM THE LIST OF PLACES TO BE FILLED BY NONCOMPETITIVE EXAMINATION.

EXECUTIVE MANSION, *January 20, 1894.*

So much of Executive orders heretofore issued under General Rule III, section 2, clause (*d*), as provides for the appointment of fish culturists upon noncompetitive examination is hereby revoked, and hereafter fish culturists will be appointed upon competitive examination.

GROVER CLEVELAND.

AMENDMENT OF CIVIL-SERVICE RULES.

SPECIAL INDIAN RULE NO. 1.

EXECUTIVE MANSION, *March 6, 1894.*

Exceptions from examination are hereby made as follows: One superintendent and the necessary teachers, not exceeding four in number, for the organization and equipment of a normal school to be established at Albuquerque, N. Mex., this rule to expire by limitation six months after the date of its approval.

Approved:

GROVER CLEVELAND.

AMENDMENT OF CIVIL-SERVICE RULES.

EXECUTIVE MANSION, *March 20, 1894.*

So much of clause 6 of Special Departmental Rule No. 1, providing for exceptions from examination in the office of the Secretary in the Department of Agriculture, as excepts "clerk to act as appointment clerk" is hereby revoked, and that position will hereafter be treated as subject to competitive examination.

Approved:

GROVER CLEVELAND.

AMENDMENTS OF CIVIL-SERVICE RULES.

Section 6 of Special Departmental Rule No. 1 is hereby amended by striking from the list of excepted places in the Weather Bureau of the Department of Agriculture enumerated therein the following:

The three professors of meteorology of highest grade.

Said section is further amended by adding thereto the following:

Noncompetitive examinations shall be held, on such dates and at such places as the Commission may from time to time determine, to test the competency of inspectors and assistant inspectors in the Bureau of Animal Industry in the Department of Agriculture employed elsewhere than at Washington, who were so employed on the date

inspectors and assistant inspectors were included in the classified service and have been continued in the service of the Department until opportunity has been provided for their noncompetitive examination. The results of such examination shall be reported by the Commission to the Secretary of Agriculture.

Approved, May 1, 1894. GROVER CLEVELAND.

Amendments of Civil-Service Rules.

Executive Mansion, *May 11, 1894.*

SPECIAL DEPARTMENTAL RULE NO. 1.

Special Departmental Rule No. 1 is hereby amended by adding to the exceptions from examination therein made in the Department of the Treasury the following:

In the office of the Second Auditor: One skilled laborer with duties exclusively of a carpenter and cabinetmaker.

In the Bureau of Engraving and Printing: Custodian of proving presses and modeler.

SPECIAL CUSTOMS RULE NO. 1.

Special Customs Rule No. 1, authorizing certain exceptions from examination in the classified customs service, is hereby amended by adding to the statement of places therein excepted the following:

In the customs district of Vermont: One deputy collector and inspector, to be stationed at Halifax during the winter and at Quebec during the time the St. Lawrence River is open to navigation.

RAILWAY MAIL RULE IV.

Railway Mail Rule IV, section 2, clause (*b*), of the civil-service rules is hereby amended by striking out all after the word "averages" in line 3 to and including the word "territory" in line 10, and the word "further" in line 10; so that as amended the clause will read:

The Commission shall certify from the register of the State or Territory in which the vacancy exists the names of the three eligibles thereon having the highest averages: *Provided*, That if upon the register of the State or Territory in which the vacancy exists there are the names of eligibles having a claim of preference under section 1754, Revised Statutes, the names of such eligibles shall be certified before the names of other eligibles of higher grade: *Provided further*, That on a line on which the service does not require the full time of a clerk, and one can be employed jointly with the railroad company, the appointment may be made without examination and certification, with the consent of the Commission, upon a statement of the facts by the general superintendent; but no clerk so appointed shall be eligible for transfer or appointment to any other place in the service.

Section 6 of said rule is hereby amended by adding after the word "substitutes" in line 6 the words "resident in the counties which are supplied wholly or in part by the road on which the vacancy exists:" so that as amended the section will read:

6. There may be certified and appointed in each State and Territory, in the manner provided for in this rule, such number of substitute clerks, not exceeding the ratio of one substitute to ten regular clerks, in such State or Territory as the Postmaster-General may authorize, and any vacancies occurring in class 1 in any State

or Territory in which substitutes have been appointed shall be filled by the appointment thereto of those substitutes resident in the counties which are supplied wholly or in part by the road on which the vacancy exists, in the order of their appointment as substitutes, without further certification. The time during which any substitute is actually employed in the service shall be counted as part of his probation.

GENERAL RULE III.

Section 2 of General Rule III is hereby amended by adding thereto the following clause:

(*h*) For the appointment of an Indian as assistant teacher in the Indian-school service.

INDIAN RULE IV.

Indian Rule IV is hereby amended by adding thereto the following section:

6. Upon the nomination by the Commissioner of Indian Affairs, through the Secretary of the Interior, of an Indian for appointment as assistant teacher, the Commission shall give such Indian noncompetitive examination under General Rule III, section 2, clause (*h*), upon passing which at the required grade he shall be certified and appointed for the probationary period provided for in section 3 of this rule, at the end of which period he shall be absolutely appointed or discharged from the service in accordance with the provisions of said section. Any Indian appointed assistant teacher as herein provided may be, any time after absolute appointment, appointed teacher upon the certification of the Commission that he has passed the teacher's examination.

Approved: GROVER CLEVELAND.

CIVIL SERVICE.—AMENDMENT OF CLASSIFICATION OF THE INDIAN SERVICE AS MADE BY THE SECRETARY OF THE INTERIOR APRIL 13, 1891.

EXECUTIVE MANSION, *May 11, 1894.*

In the exercise of the power vested in the President by the third paragraph of section 6 of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, I hereby direct the Secretary of the Interior to revise the classification of the Indian service made by him, by direction of the President, on the 13th day of April, 1891, and to include in class 3 of said classification assistant teachers.

Approved: GROVER CLEVELAND.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

EXECUTIVE MANSION, *May 26, 1894.*

It is hereby ordered, That the several Executive Departments and the Government Printing Office be closed on Wednesday, the 30th instant, to enable the employees to participate in the decoration of the graves of the soldiers and sailors who fell in defense of the Union during the War of the Rebellion.

GROVER CLEVELAND.

AMENDMENT OF CIVIL-SERVICE RULES.

Special Indian Rule No. 1 is hereby amended by adding to the places excepted from examination therein the following:

Kindergarten teachers, to be employed as such, not exceeding twenty in number.

Approved, June 21, 1894. GROVER CLEVELAND.

AMENDMENT OF CIVIL-SERVICE RULES.

Special Customs Rule No. 1 is hereby amended by adding to the places excepted from examination therein the following:

In the customs district of Boston, office of the collector: One superintendent of warehouses.

In the customs district of Philadelphia, office of the collector: Five chiefs of division.

Approved, June 21, 1894. GROVER CLEVELAND.

AMENDMENTS OF CIVIL-SERVICE RULES.

EXECUTIVE MANSION, *July 9, 1894.*

DEPARTMENTAL RULE II.

Departmental Rule II, clause 3 (*f*), is hereby amended by adding at the end thereof the following words:

Except in the Department of Agriculture the chiefs of the following divisions: Entomology and economic ornithology and mammalogy.

SPECIAL DEPARTMENTAL RULE NO. 1.

Special Departmental Rule No. 1 is hereby amended by dropping from among the places therein excepted from examination the following:

In the Department of Agriculture, office of the Secretary, the assistant chiefs of the following divisions: Of entomology and of economic ornithology and mammalogy.

Approved: GROVER CLEVELAND.

CIVIL SERVICE.—AMENDMENT OF CLASSIFICATION OF THE DEPARTMENT OF THE INTERIOR.

EXECUTIVE MANSION, *July 25, 1894.*

In the exercise of the power vested in the President by the third paragraph of section 6 of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, I hereby direct the Secretary of the Interior to revise the classification of the Department of the Interior so as to include therein the chief clerk and the assistant chief clerk at the Indian warehouse at New York.

Approved: GROVER CLEVELAND.

AMENDMENT OF CIVIL-SERVICE RULES.

Special Departmental Rule No. 1 is hereby amended by adding to the places therein excepted from examination in the Department of the Treasury the following:

In the Bureau of Statistics: One expert in mechanical designs and in diagramming commercial and financial facts.

Approved, November 2, 1894. GROVER CLEVELAND.

Amendments of Civil-Service Rules.

DEPARTMENTAL RULE II.

Departmental Rule II, clause 3 (*f*), is hereby amended by adding at the end thereof the following words: "and of pomology;" so that as amended the paragraph will read:

(*f*) Chiefs of divisions, except in the Department of Agriculture the chiefs of the following divisions: Entomology, economic ornithology and mammalogy, and of pomology.

SPECIAL DEPARTMENTAL RULE NO. 1.

Special Departmental Rule No. 1 is hereby amended by dropping from among the places therein excepted from examination the following:

In the Department of Agriculture, office of the Secretary: The assistant chief of the division of pomology.

Approved, November 2, 1894. GROVER CLEVELAND.

Amendments of Civil-Service Rules.

Executive Mansion, *November 2, 1894.*

INDIAN RULE IV

Section 6 of Indian Rule IV is hereby amended by inserting the following proviso at the end of the first sentence:

Provided, That the certificates of graduation of the Indian graduates of the normal classes at Santa Fe, N. Mex.; Salem, Oreg.; Haskell Institute, Lawrence, Kans.; Carlisle, Pa., and Hampton, Va., may be accepted by the Commission as the basis of certification in lieu of the examination herein provided.

As amended the section will read:

6. Upon the nomination by the Commissioner of Indian Affairs, through the Secretary of the Interior, of an Indian for appointment as assistant teacher, the Commission shall give such Indian noncompetitive examination, under General Rule III, section 2, clause (*h*), upon passing which at the required grade he shall be certified and appointed for the probationary period provided for in section 3 of this rule, at the end of which period he shall be absolutely appointed or discharged from the

service in accordance with the provisions of said section: *Provided*, That the certificates of graduation of the Indian graduates of the normal classes at Santa Fe, N. Mex.; Salem, Oreg.; Haskell Institute, Lawrence, Kans.; Carlisle, Pa., and Hampton, Va., may be accepted by the Commission as the basis of certification in lieu of the examination herein provided for. Any Indian appointed assistant teacher as herein provided may at any time after absolute appointment be appointed teacher upon the certification of the Commission that he has passed the teacher examination.

SPECIAL INDIAN RULE NO. 1.

Special Indian Rule No. 1 is hereby amended by inserting after the words "New Mexico" in line 3 the words "also one normal teacher each at the Salem (Oreg.) school and the Haskell Institute, Lawrence, Kans." As amended the rule will read:

Exceptions from examination are hereby made as follows: One superintendent and the necessary teachers, not exceeding four in number, for the organization and equipment of one normal school to be established at Santa Fe, N. Mex.; also one normal teacher each at the Salem (Oreg.) school and the Haskell Institute, Lawrence, Kans.; this rule to expire by limitation six months after the date of its approval.

Approved:

GROVER CLEVELAND.

AMENDMENTS OF CIVIL-SERVICE RULES.

Postal Rule II is hereby amended by striking out all of section 5 and inserting in lieu thereof the following:

5. Exceptions from examination in the classified postal service are hereby made as follows:

(*a*) Assistant postmaster or the chief assistant to the postmaster, by whatever designation known.

(*b*) One secretary to the postmaster, when authorized by law and allowed by the Post-Office Department.

(*c*) Cashier, when authorized by law and employed under that roster title.

(*d*) Assistant cashier, when authorized by law and employed under that roster title.

(*e*) Superintendents of station or branch post-offices at which letter carriers are employed.

(*f*) Printers and pressmen, when authorized by law and allowed by the Post-Office Department and employed as such.

6. No person appointed to a place under any exception made by any postal rule shall be transferred to any other place not also excepted from examination.

Postal Rule IV is hereby amended by inserting after the word "manner," in section 1, line 3, the following:

Provided, That superintendents of mail shall be selected from among the employees of the railway mail service or of the mailing division of the post-office at which they are respectively to serve.

Postal Rule VIII is hereby amended as follows:

In clause (*a*), line 2, after the word "by," insert the word "any," and in the same line strike out "II, clause 5."

Approved, November 2, 1894.

GROVER CLEVELAND.

AMENDMENT OF CIVIL-SERVICE RULES.

EXECUTIVE MANSION, *November 2, 1894.*

Departmental Rule VII, clause 1, is hereby amended by inserting at the end of line 6 the following:

Vacancies in places authorized to be filled by noncompetitive examination may be filled without examination for a period not exceeding thirty days, until a regular appointment can be made upon certification made by the Commission.

Every such appointment and the reasons therefor shall be at once reported to the Commission.

Approved:

GROVER CLEVELAND.

CIVIL SERVICE.—AMENDMENT OF CLASSIFICATION.

In pursuance of the authority contained in the third paragraph of section 6 of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, the heads of the several Executive Departments are hereby directed to amend their several classifications so as to include among the employees classified thereunder messengers, assistant messengers, and watchmen.

Approved, November 2, 1894.

GROVER CLEVELAND.

CIVIL SERVICE.—AMENDMENT OF CLASSIFICATION.

In pursuance of the authority contained in the third paragraph of section 6 of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, the Postmaster-General is hereby directed to amend the classification of the Post-Office Department so as to include among the classes covered thereby clerks to post-office inspectors.

Approved, November 2, 1894.

GROVER CLEVELAND.

AMENDMENTS OF CIVIL-SERVICE RULES.

GENERAL RULE III.

General Rule III is hereby amended by striking out clause (*b*) of section 2 and relettering the remaining clauses of the section accordingly.

DEPARTMENTAL RULES.

Departmental Rule II is hereby amended as follows:

In section 4, line 1, strike out the word "hereby," and insert after the word "made," at the end of the line, the words "by any departmental rule;" in line 2, after the word "shall," strike out the words "within one year after appointment;" substitute a period for the semicolon in

line 3 and strike out the remainder of the section. As amended the section will read:

4. No person appointed to a place under the exceptions to examination made by any departmental rule shall be transferred from such place to a place not also excepted from examination.

Departmental Rule XI is hereby amended as follows:

In clause (*a*), line 2, insert the word "any" before the word "departmental," and strike out in line 3 all after the word "rule."

RAILWAY MAIL RULES.

Railway Mail Rule II is hereby amended as follows:

In section 6, line 2, after the word "shall," strike out the words "within one year after appointment;" substitute a period for the semicolon in line 3 and strike out the remainder of the section. As amended the section will read:

6. No person appointed to a place under any exception to examination hereby made shall be transferred to another place not also excepted from examination.

Approved, November 2, 1894. GROVER CLEVELAND.

AMENDMENTS OF CIVIL-SERVICE RULES.

Customs Rule I is hereby amended as follows:

In section 2, line 2, strike out the word "fifty" and insert in lieu thereof the word "twenty."

Customs Rule II is hereby amended as follows:

In section 6, line 1, strike out the word "hereby," and after the word "made," at the end of the line, insert the words "by any customs rule;" in line 2, after the word "shall," strike out the words "within one year after appointment;" substitute a period for the semicolon in line 3 and strike out the remainder of the section. As amended the clause will read:

No person appointed to a place under any exception to examination made by any customs rule shall be transferred from such place to another place not also excepted from examination.

Customs Rule VIII is hereby amended as follows:

In clause (*a*), line 2, after the word "by," insert the word "any," and in the same line strike out "II, clause 5."

Approved, November 2, 1894. GROVER CLEVELAND.

Amendments of Civil-Service Rules.

DEPARTMENTAL RULE VII.

Departmental Rule VII is hereby amended by adding to the first paragraph of section 1 the following proviso:

Provided further, That sea post clerks in the Post-Office Department shall be appointed by transfer from the classified railway mail service or the classified postal

service, and shall be eligible at any time for retransfer to the service from which transferred, but shall not be transferred to any other department or branch of the service, nor to any other place in the Post-Office Department, without examination and certification by the Commission.

RAILWAY MAIL RULE II.

Railway Mail Rule II is hereby amended as follows:

In section 5 strike out clauses (*e*) and (*f*).

RAILWAY MAIL RULE IV.

Railway Mail Rule IV is hereby amended as follows:

In the last proviso of clause (*b*) of section 2, in line 2 of that proviso, after the word "line," insert the words "or at a transfer station or on a steamboat;" in the same line strike out the words "on which" and substitute therefor the word "where," and in line 3, after the word "railroad," insert the words "or steamboat;" so that as amended the proviso will read:

Provided further, That on a line or at a transfer station or on a steamboat where the service does not require the full time of a clerk, and one can be employed jointly with the railroad or steamboat company, the appointment may be made without examination and certification, with the consent of the Commission, upon a statement of the facts by the general superintendent; but no clerk so appointed shall be eligible for transfer or appointment to any other place in the service.

Approved, November 17, 1894. GROVER CLEVELAND.

SECOND ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 3, 1894.*

To the Congress of the United States:

The assemblage within the nation's legislative halls of those charged with the duty of making laws for the benefit of a generous and free people impressively suggests the exacting obligation and inexorable responsibility involved in their task. At the threshold of such labor now to be undertaken by the Congress of the United States, and in the discharge of an executive duty enjoined by the Constitution, I submit this communication, containing a brief statement of the condition of our national affairs and recommending such legislation as seems to me necessary and expedient.

The history of our recent dealings with other nations and our peaceful relations with them at this time additionally demonstrate the advantage of consistently adhering to a firm but just foreign policy, free from envious or ambitious national schemes and characterized by entire honesty and sincerity.

During the past year, pursuant to a law of Congress, commissioners were appointed to the Antwerp Industrial Exposition. Though the participation of American exhibitors fell far short of completely illustrating our national ingenuity and industrial achievements, yet it was quite creditable in view of the brief time allowed for preparation.

I have endeavored to impress upon the Belgian Government the needlessness and positive harmfulness of its restrictions upon the importation of certain of our food products, and have strongly urged that the rigid supervision and inspection under our laws are amply sufficient to prevent the exportation from this country of diseased cattle and unwholesome meat.

The termination of the civil war in Brazil has been followed by the general prevalence of peace and order. It appearing at an early stage of the insurrection that its course would call for unusual watchfulness on the part of this Government, our naval force in the harbor of Rio de Janeiro was strengthened. This precaution, I am satisfied, tended to restrict the issue to a simple trial of strength between the Brazilian Government and the insurgents and to avert complications which at times seemed imminent. Our firm attitude of neutrality was maintained to the end. The insurgents received no encouragement of eventual asylum from our commanders, and such opposition as they encountered was for the protection of our commerce and was clearly justified by public law.

A serious tension of relations having arisen at the close of the war between Brazil and Portugal by reason of the escape of the insurgent admiral Da Gama and his followers, the friendly offices of our representatives to those countries were exerted for the protection of the subjects of either within the territory of the other.

Although the Government of Brazil was duly notified that the commercial arrangement existing between the United States and that country based on the third section of the tariff act of 1890 was abrogated on August 28, 1894, by the taking effect of the tariff law now in force, that Government subsequently notified us of its intention to terminate such arrangement on the 1st day of January, 1895, in the exercise of the right reserved in the agreement between the two countries. I invite attention to the correspondence between the Secretary of State and the Brazilian minister on this subject.

The commission organized under the convention which we had entered into with Chile for the settlement of the outstanding claims of each Government against the other adjourned at the end of the period stipulated for its continuance leaving undetermined a number of American cases which had been duly presented. These claims are not barred, and negotiations are in progress for their submission to a new tribunal.

On the 17th of March last a new treaty with China in further regulation of emigration was signed at Washington, and on August 13 it received the sanction of the Senate. Ratification on the part of China and formal exchange are awaited to give effect to this mutually beneficial convention.

A gratifying recognition of the uniform impartiality of this country toward all foreign states was manifested by the coincident request of the Chinese and Japanese Governments that the agents of the United States should within proper limits afford protection to the subjects of the other during the suspension of diplomatic relations due to a state of war. This delicate office was accepted, and a misapprehension which gave rise to the belief that in affording this kindly unofficial protection our agents would exercise the same authority which the withdrawn agents of the belligerents had exercised was promptly corrected. Although the war between China and Japan endangers no policy of the United States, it deserves our gravest consideration by reason of its disturbance of our growing commercial interests in the two countries and the increased dangers which may result to our citizens domiciled or sojourning in the interior of China.

Acting under a stipulation in our treaty with Korea (the first concluded with a western power), I felt constrained at the beginning of the controversy to tender our good offices to induce an amicable arrangement of the initial difficulty growing out of the Japanese demands for administrative reforms in Korea, but the unhappy precipitation of actual hostilities defeated this kindly purpose.

Deploring the destructive war between the two most powerful of the eastern nations and anxious that our commercial interests in those countries may be preserved and that the safety of our citizens there shall not be jeopardized, I would not hesitate to heed any intimation that our friendly aid for the honorable termination of hostilities would be acceptable to both belligerents.

A convention has been finally concluded for the settlement by arbitration of the prolonged dispute with Ecuador growing out of the proceedings against Emilio Santos, a naturalized citizen of the United States.

Our relations with the Republic of France continue to be such as should exist between nations so long bound together by friendly sympathy and similarity in their form of government.

The recent cruel assassination of the President of this sister Republic called forth such universal expressions of sorrow and condolence from our people and Government as to leave no doubt of the depth and sincerity of our attachment. The resolutions passed by the Senate and House of Representatives on the occasion have been communicated to the widow of President Carnot.

Acting upon the reported discovery of Texas fever in cargoes of American cattle, the German prohibition against importations of live stock and fresh meats from this country has been revived. It is hoped that Germany will soon become convinced that the inhibition is as needless as it is harmful to mutual interests.

The German Government has protested against that provision of the customs tariff act which imposes a discriminating duty of one-tenth of 1

cent a pound on sugars coming from countries paying an export bounty thereon, claiming that the exaction of such duty is in contravention of Articles V and IX of the treaty of 1828 with Prussia.

In the interests of the commerce of both countries and to avoid even the accusation of treaty violation, I recommend the repeal of so much of the statute as imposes that duty, and I invite attention to the accompanying report of the Secretary of State, containing a discussion of the questions raised by the German protests.

Early in the present year an agreement was reached with Great Britain concerning instructions to be given to the naval commanders of the two Governments in Bering Sea and the contiguous North Pacific Ocean for their guidance in the execution of the award of the Paris Tribunal of Arbitration and the enforcement of the regulations therein prescribed for the protection of seal life in the waters mentioned. An understanding has also been reached for the payment by the United States of $425,000 in full satisfaction of all claims which may be made by Great Britain for damages growing out of the controversy as to fur seals in Bering Sea or the seizure of British vessels engaged in taking seal in those waters. The award and findings of the Paris Tribunal to a great extent determined the facts and principles upon which these claims should be adjusted, and they have been subjected by both Governments to a thorough examination upon the principles as well as the facts which they involve. I am convinced that a settlement upon the terms mentioned would be an equitable and advantageous one, and I recommend that provision be made for the prompt payment of the stated sum.

Thus far only France and Portugal have signified their willingness to adhere to the regulations established under the award of the Paris Tribunal of Arbitration.

Preliminary surveys of the Alaskan boundary and a preparatory examination of the question of protection of food fish in the contiguous waters of the United States and the Dominion of Canada are in progress.

The boundary of British Guiana still remains in dispute between Great Britain and Venezuela. Believing that its early settlement on some just basis alike honorable to both parties is in the line of our established policy to remove from this hemisphere all causes of difference with powers beyond the sea, I shall renew the efforts heretofore made to bring about a restoration of diplomatic relations between the disputants and to induce a reference to arbitration—a resort which Great Britain so conspicuously favors in principle and respects in practice and which is earnestly sought by her weaker adversary.

Since communicating the voluminous correspondence in regard to Hawaii and the action taken by the Senate and House of Representatives on certain questions submitted to the judgment and wider discretion of Congress the organization of a government in place of the provisional arrangement which followed the deposition of the Queen has been

announced, with evidence of its effective operation. The recognition usual in such cases has been accorded the new Government.

Under our present treaties of extradition with Italy miscarriages of justice have occurred owing to the refusal of that Government to surrender its own subjects. Thus far our efforts to negotiate an amended convention obviating this difficulty have been unavailing.

Apart from the war in which the Island Empire is engaged, Japan attracts increasing attention in this country by her evident desire to cultivate more liberal intercourse with us and to seek our kindly aid in furtherance of her laudable desire for complete autonomy in her domestic affairs and full equality in the family of nations. The Japanese Empire of to-day is no longer the Japan of the past, and our relations with this progressive nation should not be less broad and liberal than those with other powers.

Good will, fostered by many interests in common, has marked our relations with our nearest southern neighbor. Peace being restored along her northern frontier, Mexico has asked the punishment of the late disturbers of her tranquillity. There ought to be a new treaty of commerce and navigation with that country to take the place of the one which terminated thirteen years ago. The friendliness of the intercourse between the two countries is attested by the fact that during this long period the commerce of each has steadily increased under the rule of mutual consideration, being neither stimulated by conventional arrangements nor retarded by jealous rivalries or selfish distrust.

An indemnity tendered by Mexico as a gracious act for the murder in 1887 of Leon Baldwin, an American citizen, by a band of marauders in Durango has been accepted and is being paid in installments.

The problem of the storage and use of the waters of the Rio Grande for irrigation should be solved by appropriate concurrent action of the two interested countries. Rising in the Colorado heights, the stream flows intermittently, yielding little water during the dry months to the irrigation channels already constructed along its course. This scarcity is often severely felt in the regions where the river forms a common boundary. Moreover, the frequent changes in its course through level sands often raise embarrassing questions of territorial jurisdiction.

Prominent among the questions of the year was the Bluefields incident, in what is known as the Mosquito Indian Strip, bordering on the Atlantic Ocean and within the jurisdiction of Nicaragua. By the treaty of 1860 between Great Britain and Nicaragua the former Government expressly recognized the sovereignty of the latter over the strip, and a limited form of self-government was guaranteed to the Mosquito Indians, to be exercised according to their customs, for themselves and other dwellers within its limits. The so-called native government, which grew to be largely made up of aliens, for many years disputed the sovereignty of Nicaragua over the strip and claimed the right to maintain therein a practically

independent municipal government. Early in the past year efforts of Nicaragua to maintain sovereignty over the Mosquito territory led to serious disturbances, culminating in the suppression of the native government and the attempted substitution of an impracticable composite administration in which Nicaragua and alien residents were to participate. Failure was followed by an insurrection, which for a time subverted Nicaraguan rule, expelling her officers and restoring the old organization. This in turn gave place to the existing local government established and upheld by Nicaragua.

Although the alien interests arrayed against Nicaragua in these transactions have been largely American and the commerce of that region for some time has been and still is chiefly controlled by our citizens, we can not for that reason challenge the rightful sovereignty of Nicaragua over this important part of her domain.

For some months one, and during part of the time two, of our naval ships have been stationed at Bluefields for the protection of all legitimate interests of our citizens. In September last the Government at Managua expelled from its territory twelve or more foreigners, including two Americans, for alleged participation in the seditious or revolutionary movements against the Republic at Bluefields already mentioned; but through the earnest remonstrance of this Government the two Americans have been permitted to return to the peaceful management of their business. Our naval commanders at the scene of these disturbances by their constant exhibition of firmness and good judgment contributed largely to the prevention of more serious consequences and to the restoration of quiet and order. I regret that in the midst of these occurrences there happened a most grave and irritating failure of Nicaraguan justice. An American citizen named Wilson, residing at Rama, in the Mosquito territory, was murdered by one Argüello, the acting governor of the town. After some delay the murderer was arrested, but so insecurely confined or guarded that he escaped, and notwithstanding our repeated demands it is claimed that his recapture has been impossible by reason of his flight beyond Nicaraguan jurisdiction.

The Nicaraguan authorities, having given notice of forfeiture of their concession to the canal company on grounds purely technical and not embraced in the contract, have receded from that position.

Peru, I regret to say, shows symptoms of domestic disturbance, due probably to the slowness of her recuperation from the distresses of the war of 1881. Weakened in resources, her difficulties in facing international obligations invite our kindly sympathy and justify our forbearance in pressing long-pending claims. I have felt constrained to testify this sympathy in connection with certain demands urgently preferred by other powers.

The recent death of the Czar of Russia called forth appropriate expressions of sorrow and sympathy on the part of our Government with his

bereaved family and the Russian people. As a further demonstration of respect and friendship our minister at St. Petersburg was directed to represent our Government at the funeral ceremonies.

The sealing interests of Russia in Bering Sea are second only to our own. A *modus vivendi* has therefore been concluded with the Imperial Government restrictive of poaching on the Russian rookeries and of sealing in waters which were not comprehended in the protected area defined in the Paris award.

Occasion has been found to urge upon the Russian Government equality of treatment for our great life-insurance companies whose operations have been extended throughout Europe. Admitting as we do foreign corporations to transact business in the United States, we naturally expect no less tolerance for our own in the ample fields of competition abroad.

But few cases of interference with naturalized citizens returning to Russia have been reported during the current year. One Krzeminski was arrested last summer in a Polish province on a reported charge of unpermitted renunciation of Russian allegiance, but it transpired that the proceedings originated in alleged malfeasance committed by Krzeminski while an imperial official a number of years ago. Efforts for his release, which promised to be successful, were in progress when his death was reported.

The Government of Salvador having been overthrown by an abrupt popular outbreak, certain of its military and civil officers, while hotly pursued by infuriated insurgents, sought refuge on board the United States war ship *Bennington*, then lying in a Salvadorean port. Although the practice of asylum is not favored by this Government, yet in view of the imminent peril which threatened the fugitives and solely from considerations of humanity they were afforded shelter by our naval commander, and when afterwards demanded under our treaty of extradition with Salvador for trial on charges of murder, arson, and robbery I directed that such of them as had not voluntarily left the ship be conveyed to one of our nearest ports where a hearing could be had before a judicial officer, in compliance with the terms of the treaty. On their arrival at San Francisco such a proceeding was promptly instituted before the United States district judge, who held that the acts constituting the alleged offenses were political and discharged all the accused except one Cienfuegos, who was held for an attempt to murder. Thereupon I was constrained to direct his release for the reason that an attempt to murder was not one of the crimes charged against him and upon which his surrender to the Salvadorean authorities had been demanded.

Unreasonable and unjust fines imposed by Spain on the vessels and commerce of the United States have demanded from time to time during the last twenty years earnest remonstrance on the part of our Government. In the immediate past exorbitant penalties have been imposed

upon our vessels and goods by customs authorities of Cuba and Puerto Rico for clerical errors of the most trivial character in the manifests or bills of lading. In some cases fines amounting to thousands of dollars have been levied upon cargoes or the carrying vessels when the goods in question were entitled to free entry. Fines have been exacted even when the error had been detected and the Spanish authorities notified before the arrival of the goods in port.

This conduct is in strange contrast with the considerate and liberal treatment extended to Spanish vessels and cargoes in our ports in like cases. No satisfactory settlement of these vexatious questions has yet been reached.

The Mora case, referred to in my last annual message, remains unsettled. From the diplomatic correspondence on this subject which has been laid before the Senate it will be seen that this Government has offered to conclude a convention with Spain for disposal by arbitration of outstanding claims between the two countries, except the Mora claim, which, having been long ago adjusted, now only awaits payment as stipulated, and of course it could not be included in the proposed convention. It was hoped that this offer would remove parliamentary obstacles encountered by the Spanish Government in providing payment of the Mora indemnity. I regret to say that no definite reply to this offer has yet been made and all efforts to secure payment of this settled claim have been unavailing.

In my last annual message I adverted to the claim on the part of Turkey of the right to expel as persons undesirable and dangerous Armenians naturalized in the United States and returning to Turkish jurisdiction.* Numerous questions in this relation have arisen. While this Government acquiesces in the asserted right of expulsion, it will not consent that Armenians may be imprisoned or otherwise punished for no other reason than having acquired without imperial consent American citizenship.

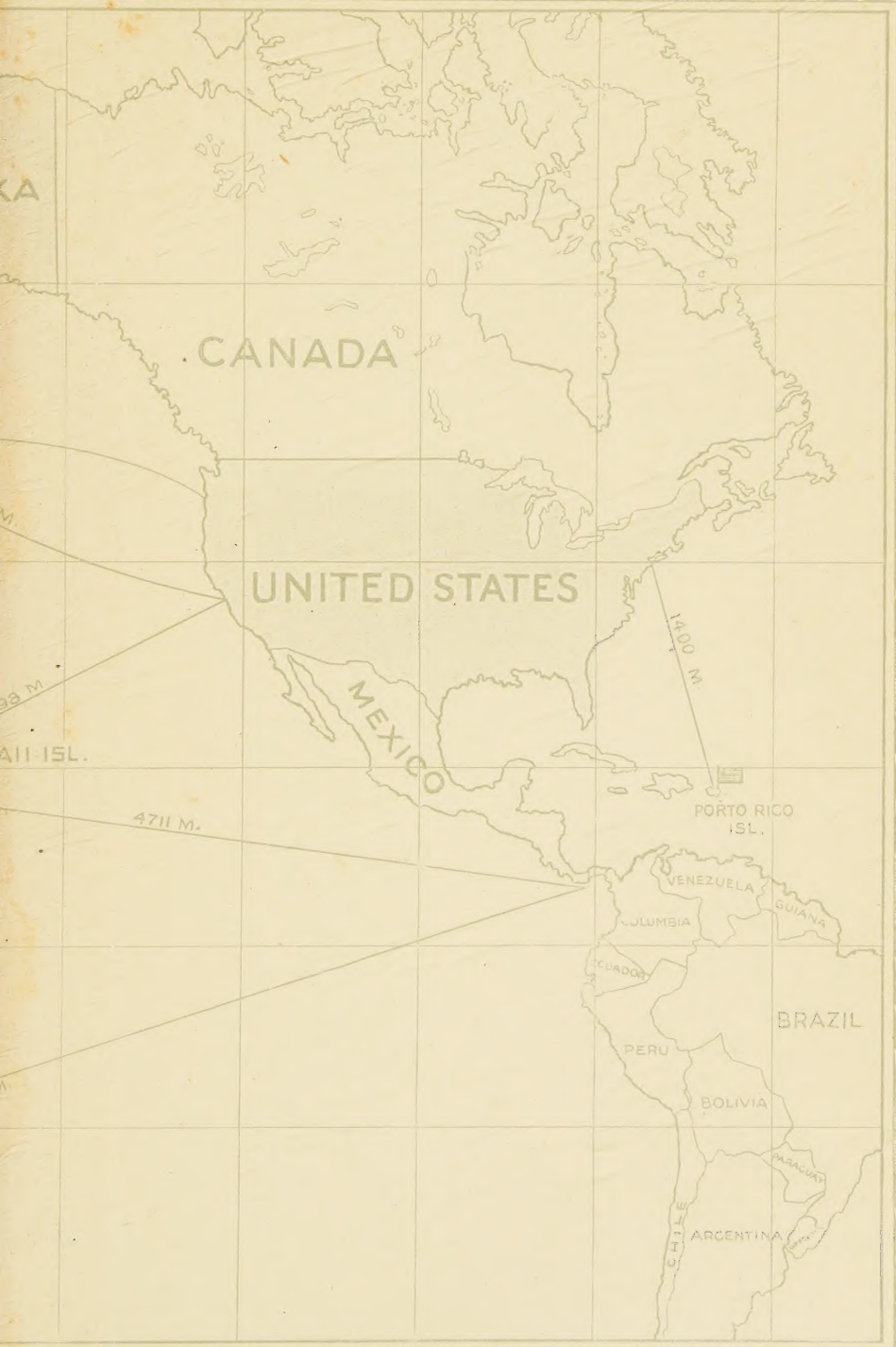
Three of the assailants of Miss Melton, an American teacher in Mosul, have been convicted by the Ottoman courts, and I am advised that an appeal against the acquittal of the remaining five has been taken by the Turkish prosecuting officer.

A convention has been concluded with Venezuela for the arbitration of a long-disputed claim growing out of the seizure of certain vessels the property of citizens of the United States. Although signed, the treaty of extradition with Venezuela is not yet in force, owing to the insistence of that Government that when surrendered its citizens shall in no case be liable to capital punishment.

The rules for the prevention of collisions at sea which were framed by the maritime conference held in this city in 1889, having been concurrently incorporated in the statutes of the United States and Great Britain,

*See pp. 5872–5873.

RUSSIA
CHINA
JAPAN
4396 M
3379 M
MIDWAY ISL.
WAKE ISL.
PHILIPPINE ISL.
SAMOA ISL.
AUSTRALIA


CANADA
UNITED STATES
MEXICO
1400 M.
PORTO RICO ISL.
4711 M.
VENEZUELA
GUIANA
COLUMBIA
ECUADOR
BRAZIL
PERU
BOLIVIA
PARAGUAY
CHILE
ARGENTINA